THIS BOOK
MUST NOT BE REMOVED
FROM THE LIBRARY

UNIVERSITY OF LONDON LIBRARY

REFERENCE ONLY

PARL. PAPERS
FOR REFERENCE ONLY.

Parl. Papers

University of London

GURNEY WOODSTOCK ST. W.

Presented by
the Worshipful Company
of Goldsmiths,
1903.

619990

Digitized by the Internet Archive
in 2026

https://archive.org/details/parliamentary-debates_may-june-1853_127

HANSARD'S

PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

16° VICTORIÆ, 1853.

VOL. CXXVII.

COMPRISING THE PERIOD FROM

THE TENTH DAY OF MAY,

TO

THE TENTH DAY OF JUNE, 1853.

Fifth Volume of the Session.

LONDON:
PUBLISHED BY CORNELIUS BUCK,
AT THE OFFICE FOR HANSARD'S PARLIAMENTARY DEBATES,
32, PATERNOSTER ROW;
AND BY
LONGMAN AND CO.; C. DOLMAN; J. RODWELL; J. BOOTH; HATCHARD AND SON;
J. RIDGWAY; CALKIN AND BUDD; J. BIGG AND SON; J. BAIN; ALLEN AND CO.;
J. M. RICHARDSON; P. RICHARDSON; AND R. BALDWIN.

1853.

BIBL.
LONDIN.

LONDON:
WOODFALL AND KINDER, PRINTERS,
ANGEL COURT, SKINNER STREET.

TABLE OF CONTENTS

TO

VOLUME CXXVII.

THIRD SERIES.

I. Subjects of Debate in the House of Lords.
II. Subjects of Debate in the House of Commons.
III. New Members Sworn.

I. Subjects of Debate in the House of Lords.

Tuesday, May 10. *Page*

Tynemouth Election Petition—Conference held at the desire of the Lords ... 1

Transportation—Motion of Earl Grey, " That no Alteration be made in the Arrangements for the Punishment of Criminals sentenced to Transportation" —Amendment of the Earl of Chichester, for the Adoption of Immediate Measures for providing Increased Means of Secondary Punishment—Amendment *agreed to*—Division List 1

Thursday, May 12.

Foreign Seamen—*Presentation* of Petition by the Earl of Ellenborough ... 194

Bankruptcy Bills—Report of the Select Committee *brought up* by Lord St. Leonards 196

Barnstaple Election Petition—Conference had at the desire of the Commons ... 197

Chimney Sweepers Regulation Act Amendment Bill—Motion of the Earl of Shaftesbury, " That the Bill be now read a Second Time "—Amendment of the Earl of Wicklow, " That the Bill be read a Second Time this day Three Months"—Amendment *negatived*—Bill read 2ª 198

Poor Laws—*Presentation* of Petition by the Earl of Malmesbury ... 200

Clitheroe Election—Resolution of the House not to agree to the Commons Address 211

TABLE OF CONTENTS.

FRIDAY, MAY 13. *Page*

Law of Evidence and Procedure Bill—Bill read 1^a 294
Common Lodging Houses Bill—Bill read 2^a 294
Government of India—*Presentation* of Petition by the Earl of Albemarle ... 298
Transportation—Questions of the Earl of Glengall and the Marquess of Clanricarde 315
Mercantile Marine—Motion of Lord Redesdale for Returns 315
Cathedral Appointments Bill—Bill read 3^a 316

[*House adjourned till Monday May 23, for the Whitsuntide Recess*]

MONDAY, MAY 23.

The Slave Trade—*Presentation* of Petition by Lord Brougham ... 488
The Courts Martial on Lieutenant Sandon—Motion of the Earl of Ellenborough for Papers 492
Chimney Sweepers Regulation Act Amendment Bill—Order of the Day for receiving the Report of the Amendments read—Amendment of the Earl of Clancarty, "That the Bill be referred to a Select Committee"—Amendment *agreed to* 493

THURSDAY, MAY 26.

Alleged Increase of Perjury—Motion of Lord Brougham for Returns—Motion *agreed to* 548
Aggravated Assaults Bill—Bill read 2^a 551
County Elections Polls (Scotland) Bill—House in Committee 552
Common Lodging Houses Bill—House in Committee 553
Evidence and Procedure Bill—Law of Evidence and Procedure Bill—Bill read 2^a 555
India—Petition—*Presentation* of Petition by Lord Monteagle 558

FRIDAY, MAY 27.

Crystal Palace (Sydenham)—*Presentation* of Petitions by the Earl of Shaftesbury and Lord Brougham 650
Russia and the Porte—Question of the Earl of Malmesbury 651
Succession Tax on Real Property—Motion of the Earl of Malmesbury for a Select Committee—Motion *negatived*—Division List 659

MONDAY, MAY 30.

Russia and the Porte—Question of the Earl of Hardwicke 758
Conversion of Stock—Funds in Chancery—Question of Lord St. Leonards ... 761
Importation of Slaves into Cuba—*Presentation* of Petition by Earl of Carlisle ... 762
Maldon Election—Motion of the Earl of Aberdeen to agree to the Address of the Commons—Motion *agreed to*—PROTEST of Lord St. Leonards against the Resolution of the House 777

TUESDAY, MAY 31.

Conversion of Stock—Funds in Chancery—Question of Lord St. Leonards ... 885
Alteration of Oaths Bill—Bill read 2^a 838

THURSDAY, JUNE 2.

Conversion of Stock—Funds in Chancery—Statement of the Lord Chancellor ... 1018
Alteration of Oaths Bill—Order of the Day for the House to be put into Committee, read—Amendment of the Earl of Ellenborough, "That the House be put into Committee this day Three Months"—Amendment *agreed to*—Division List 1020
Poor Removal Bill—Motion of Lord Berners, "That the Bill be read a Second Time"—Bill *withdrawn* 1030
The Ecclesiastical Commission—Returns moved for by the Earl of Powis—Motion *agreed to* 1032
India—*Presentation* of Petition by the Earl of Albemarle 1034

FRIDAY, JUNE 3. Page

Affairs of the La Plata—State of Paraguay—Question of the Earl of Malmesbury 1072
County Courts—Costs—*Presentation* of Petition by Lord Brougham ... 1074
Succession to the Crown of Denmark—Statement of Lord Beaumont ... 1079
Crime in Ireland—Motion of the Earl of Clancarty for Returns—Motion *agreed to* 1089
Burial Grounds Bill—House in Committee 1090

MONDAY, JUNE 6.

Criminal Code of Malta—Question of the Earl of Shaftesbury 1195
Evidence Amendment Bill—Bill read 3ª 1196
Burmese War—Question of the Earl of Ellenborough 1199

TUESDAY, JUNE 7.

Drummond's (Duke de Melfort's) Restitution Bill—Bill read 2ª ... 1278
Arrestment of Wages in Scotland—*Presentation* of Petition by Lord Brougham 1282

THURSDAY, JUNE 9.

Small Debts (Scotland) Act Amendment Bill—Arrestment of Wages—Bill read 1ª 1294
Hackney Carriages (Metropolis) Bill—Bill read 2ª 1295

FRIDAY, JUNE 10.

Great Western Railway Company—*Presentation* of Petition by the Marquess of Bath 1359
Administration of Justice in Ireland—Appointment of Mr. Keogh—Statement of the Marquess of Westmeath 1362

II. SUBJECTS OF DEBATE IN THE HOUSE OF COMMONS.

TUESDAY, MAY 10.

Inspection of Nunneries—Motion of Mr. T. Chambers, for Leave to bring in a Bill to facilitate the Recovery of Personal Liberty in certain Cases—Motion *agreed to*—Division Lists 79
Transfer of Land (Ireland) Bill—Motion of Mr. Scully, for Leave to bring in a Bill—Motion *agreed to* 134
Excise Prosecutions—Tea, Coffee, and Chicory—Motion of Mr. Gregson, for Returns—Motion *agreed to* 134
Barnstaple Election—Motion of Mr. W. O. Stanley, for the Issuing of a Commission—Motion *agreed to*—*Ordered*, That a Conference be desired with the Lords upon the Subject-matter of the Address 136
Durham Election Petitions—Motion of Mr. Bentinck, for a Select Committee—Debate *adjourned* till *Tuesday*, 31st May 137

WEDNESDAY, MAY 11.

Elections Bill—Bill read 2° 148
Kilmainham Hospital—Her Majesty's Answer to the Address 149
Sheriffs' Courts (Scotland) (No 2) Bill—Motion of Mr. Craufurd, "That the Bill be now read a Second Time"—Amendment of Mr. Cowan, "That the Bill be read a Second Time this day Six Months"—Amendment *agreed to*—Bill *put off* for Six Months 149
County Rates and Expenditure Bill—House in Committee 192

TABLE OF CONTENTS.

THURSDAY, MAY 12. *Page*

Civil Servants of the Crown—Question of the Marquess of Chandos ... 215
Excise Duties upon Spirits Bill—Question of Mr. Craufurd 216
Newspaper Stamp Duties—Question of Mr. J. L. Ricardo 218
The Government and the Irish Members—Explanations 219
The Budget—Ways and Means—The Income Tax—House in Committee—Amendment of Mr. Vansittart to the Resolution of the Chancellor of the Exchequer—Amendment *negatived*—Resolution *agreed to* 235
The Budget—Ways and Means—Succession Duties—House in Committee—Motion of the Chancellor of the Exchequer, relating to the Duties payable on Legacies—Committee to sit again May 13 258
Rye Writ—Adjourned Debate—Debate *resumed* on Mr. Tufnell's Motion [May 2] for the Issuing of a New Writ—Amendment of Sir Charles Burrell, "That no New Writ be Issued until Friday May 27"—Debate *again adjourned* till *To-morrow* 289

FRIDAY, MAY 13.

Public Business—Questions and Statement of the Chancellor of the Exchequer 318
Ventilation of the House—Question of Mr. Cowan 324
Sale of Coffee and Chicory—Question of Lord Claud Hamilton ... 324
The Budget—Ways and Means—Succession Duties—House in Committee—Debate *resumed* on the Chancellor of the Exchequer's Resolution—Amendment of Mr. Freshfield, "After the words 'real estate,' to insert the words 'in like manner as personal estate is now liable,' &c."—Amendment *negatived*—Resolution *agreed to* 325
Customs, &c. Acts—House in Committee—Resolutions *agreed to* ... 370
Expenses of Elections Bill—Bill read 2^{a} 373
Rye Writ—Adjourned Debate—Debate *resumed* on the Amendment proposed [May 12] to Question [2nd May]—Motion *agreed to*—New Writ *ordered* ... 374
Maldon Writ—Motion of Mr. Chambers, for the Issue of a New Writ—Motion *withdrawn* 377

[*House adjourned till Thursday May* 19, *for the Whitsuntide Recess*]

THURSDAY, MAY 19.

Agricultural Statistics—Question of Mr. Sandars 378
Statues in the Metropolis—Question of Mr. Baring Wall 379
Excise Duties on Spirits—Bill read 2° 380
Admission of the Jews to Parliament—Question of Mr. Milner Gibson ... 380
India—Question of Mr. Rich 381
Supply—Miscellaneous Estimates—House in Committee 383
Hackney Carriages (Metropolis) Bill—Order for Committee read—Amendment of Sir R. H. Inglis, "That the Bill be referred to a Select Committee"—Amendment *negatived*—Bill *considered* in Committee 422

FRIDAY, MAY 20.

Improvements of Hyde Park—Question of Mr. Oliveira 429
Excise Duties on Spirits Bill—Question of Captain Jones 430
Annexation of Pegu—Questions of Mr. Cobden and Mr. M. Gibson ... 431
The Rebellion in China—Question of Viscount Jocelyn 436
Kilmainham Hospital—Question of Mr. I. Butt 437
Maynooth College—Question of Mr. Maguire 438
Income Tax Bill—Bill read 2° 438
Customs Resolutions—Statement of the Chancellor of the Exchequer ... 439
Expense of Criminal Prosecutions in Ireland—Question of Mr. Macartney ... 441
Supply—Miscellaneous Estimates—House in Committee 442
Hackney Carriages Bill—House in Committee 485

TABLE OF CONTENTS.

Monday, May 23.

Page
New Zealand Company Bill—Question of Mr. Baillie 503
Income Tax Bill—Order for Committee read—Amendment of Colonel Dunne, "That the Bill be referred to a Select Committee"—Amendment *negatived*—House in Committee 504
Hackney Carriages (Metropolis) Bill *considered* 547
Succession Duty Bill—Bill read 1° 548

Thursday, May 26.

Emigrants to Australia—Question of Mr. Miles 566
Church Rates—Motion of Mr. R. Phillimore, to Alter and Amend the Laws respecting Church Rates—Amendment of Sir W. Clay, to abolish Church Rates—Motion *negatived*—Division List—Amendment of Mr. Hume to the said proposed Amendment, and Amendment of Sir W. Clay, both *negatived* 567
New Writ for Plymouth—Motion of Sir John Buller, for the Issue of a New Writ—Motion *agreed to* 647
The Berwick-upon-Tweed Election—Nomination of Members of the Select Committee 647

Friday, May 27.

Election Committees—Attendance of certain Members dispensed with ... 706
Russia and the Porte—Question of Mr. Disraeli 709
Registration of Assurances Bill—Question of Mr. Bright 714
The Ecclesiastical Courts—Question of Mr. Hume 715
Income Tax Bill—House in Committee 716

Monday, May 30.

Russia and the Porte—Question of Mr. Disraeli 787
Income Tax Bill—House in Committee 788
Customs Acts—House in Committee 820
Hackney Carriages Bill—Bill read 3° 834

Tuesday, May 31.

Ecclesiastical Revenues (Ireland)—Motion of Mr. H. Moore, for the Appointment of a Select Committee to Inquire into the Ecclesiastical Revenues of Ireland—Motion *negatived* 862
India—Question of Mr. Bright 955
Indian Judges—Question of Mr. Otway 955
Durham Election Petitions—Debate *resumed* on Question [10th May], for the Appointment of a Select Committee—Motions for Adjournment *negatived* and *withdrawn*—Motion *agreed to* 956

Wednesday, June 1.

New Trials (Criminal Cases) Bill—Motion of Mr. I. Butt, for the Second Reading of the Bill—Amendment of Viscount Palmerston, "That the Bill be read a Second Time this day Six Months"—Amendment *agreed to*—Bill *put off* for Six Months 964
Judges Exclusion Bill—Order for Third Reading Read—Amendment of Mr. Drummond, "That the Bill be read a Third Time this day Six Months"—Amendment *agreed to*—Division List—Third Reading *put off* for Six Months 993
Combination of Workmen Bill—Further Proceeding on Third Reading [4th May] *resumed*—Bill read 3° 1017
Hackney Carriages (Metropolis Bill—Further Proceeding on Third Reading [30th May] *resumed*—It being Six o'clock Mr. Speaker adjourned the House without putting the Question 1018

Thursday, June 2.

Disfranchisement of Electors in Dockyards—Question of Mr. Masters Smith ... 1036
Income Tax Bill—House in Committee 1037
Customs Acts—House in Committee 1061

Friday, June 3.

Page
The Medical Profession—Question of Lord Dudley Stuart 1091
Government of India—Motion of Sir Charles Wood, for Leave to bring in a Bill —Debate *adjourned* till June 6 1092

Monday, June 6.

Bury St. Edmund's Election—Report of the Select Committee *brought up* ... 1207
Sligo (Borough) Election—Report of the Select Committee *brought up* ... 1207
Income Tax Bill—Order for the Third Reading read—Division List—Bill read 3°—Amendments made—Bill *passed* 1208
Government of India—Adjourned Debate (Second Night)—Debate *resumed* on the Motion of Sir C. Wood, for Leave to bring in a Bill—Debate *further adjourned* till June 9 1230

Tuesday, June 7.

No House—Forty Members not being present at Four o'clock

Wednesday, June 8.

Courts of Common Law (Ireland) Bill—House in Committee 1284

Thursday, June 9.

Clare Election Committee—Report of the Select Committee *brought up*—New Writ *ordered* 1297
Durham Election Committee—Report of the Select Committee *brought up* ... 1299
Indian Despatches—Question of Mr. Hume 1299
Government of India—Adjourned Debate (Third Night)—Debate *resumed* on the Motion of Sir C. Wood for Leave to bring in a Bill—Motion *agreed to*—Bill read 1° 1300
Customs &c. Acts—House in Committee 1352

Friday, June 10.

Succession Duties Bill—Bill read 2° 1380
Excise Duties on Spirits Bill—House in Committee—Bill *reported* ... 1387
Taxing Officer, Common Law Business (Ireland) Bill—Bill *considered* in Committee 1396

III. New Members Sworn.

Thursday, May 19.

Berwick-upon-Tweed—Dudley Coutts Marjoribanks, Esq., *v.* John Stapleton Esq., void Election;—John Forster, Esq., *v.* Matthew Forster, Esq., void Election.
Maidstone—Willliam Lee, Esq., *v.* George Dodd, Esq., void Election.

Thursday, May 26.

Rye—William Alexander Mackinnon, Esq., Re-elected on his previous Election being declared void.

Thursday, June 2.

Clitheroe—John Thomas Walshman Aspinall, Esq., *v.* Matthew Wilson, Esq., void Election.

Monday, June 6.

Plymouth—Roundell Palmer, Esq., *v.* Charles John Mare, Esq., void Election.

HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

FIRST SESSION OF THE *SIXTEENTH PARLIAMENT* OF
THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*,
APPOINTED TO MEET 20 AUGUST, 1852, AND FROM THENCE
CONTINUED TILL 4 NOVEMBER, 1852, IN THE SIXTEENTH YEAR
OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

FIFTH VOLUME OF THE SESSION.

HOUSE OF LORDS,

Tuesday, May 10, 1853.

MINUTES.] PUBLIC BILLS.—1^{a} Poor Removal; Local Assessment; Exchequer Bills; Sales of Bullion.

TYNEMOUTH ELECTION PETITION.

CONFERENCE had at the Desire of the Commons upon the Subject Matter of an Address to be presented to Her Majesty, under the Provisions of the Act 15 & 16 *Vict.*, cap. 57; and Report made, That the Commons had agreed to an Address [which was offered], to be presented to Her Majesty, to which they desire the Concurrence of their Lordships.

Afterwards Message to the Commons for Minutes of Evidence taken before the Select Committee of the House of Commons on the Tynemouth Election Petition; together with the Proceedings of the Committee, 1853.

TRANSPORTATION.

EARL GREY said, that in submitting the Motion of which he had given notice, he wished at the outset to assure their Lordships that he was not actuated by any spirit of hostility to Her Majesty's Government. The difficult and important subject of secondary punishments never had been, and he trusted never would be, considered as having any connexion whatever with party politics. It was a subject upon which he had long felt a deep interest, and the consideration of which had occupied a large share of his attention, both in and out of office, for upwards of twenty years. He hoped, therefore, he might be at liberty, without reserve, to state the opinions which, in that long period, he had been led to form, and that there was no inconsistency in entertaining a sincere and earnest desire to afford to Her Majesty's Government a general and independent support, and in stating the reasons which induced him to believe that on this subject they had fallen into an error calculated to lead to very serious public evils. He should, perhaps, however, not have troubled their Lordships with this Motion, had it not been for a conversation which lately took place, in which the noble

Duke the Secretary of State for the Colonial Department intimated that it was not the intention of the Government, as he confessed he fully expected it must have been, to bring in a Bill on the subject themselves; and while he intimated they had no such intention, he at the same time expressed an opinion, in which he (Earl Grey) entirely concurred, that a regular discussion on this most momentous question was highly desirable; and, as it appeared to him that no other noble Lord was likely to bring the subject under their notice, he had himself undertaken the task, however unequal he might be to it, and he should now submit a Motion which would enable their Lordships to pronounce a judgment on one particular part of the question, which urgently required their immediate consideration. It was not the object of the Motion he was about to make to call upon them to express an opinion in favour of that system of secondary punishment which was adopted by the Government with which he was connected; it was not even his object to say that transportation should be continued at all; but it was his object to ask them to address Her Majesty for the purpose of praying Her Majesty to be graciously pleased to issue Her commands, that a vital change in our system of criminal jurisprudence, and our penal policy as established for two centuries—that that vital change should not be made until their Lordships and the other House of Parliament should have been made acquainted with the measures proposed to be adopted, and should have had an opportunity of pronouncing an opinion upon them. That, and that only, was what he proposed to ask their Lordships; and he trusted that in the course of his observations he should be able to show ample grounds for this Motion in circumstances which had taken place in the last few months.

He need scarcely remind their Lordships that in the Speech from the Throne by which the present Parliament was opened, Her Majesty was advised by the noble Earl opposite and his friends, who were then in office, to call attention to the subject of secondary punishments. Her Majesty informed them "that the system of secondary punishments had usefully occupied the labours of successive Parliaments, and that She should rejoice if it were found possible to devise means by which, without giving encouragement to crime, transportation to Van Diemen's Land might at no distant period be altogether discontinued." Such was the recommendation addressed to Parliament on the opening of the present Session. In strict conformity with that Speech, the late Secretary of State for the Colonies, on the 14th of December last, addressed a despatch to the Lieutenant Governor of Van Diemen's Land, in which he informed the Lieutenant Governor that it was the intention of Her Majesty's then Government to discontinue transportation to Van Diemen's Land; but he proceeded to add, that it was not in his power to fix any date for that discontinuance; that before it took place it would be necessary that certain alterations should be made in the law, and that Parliament should consider what arrangement should be substituted for that to which it was proposed to put an end. Very shortly after that despatch was written, a change of Government took place; and when Parliament reassembled after the recess which followed that event, it was very speedily announced in both Houses of Parliament that Her Majesty's present Ministers did not concur with their predecessors as to the course which ought to be adopted, but had come to the determination that transportation to Van Diemen's Land should forthwith be discontinued—that not even another ship should be despatched to that colony—and that even to Western Australia very few convicts should be sent. He had not the advantage of being present when that announcement was made; but it appeared to him, as it appeared to his noble Friend who sat on the bench before him, an announcement of a very alarming character, and he anticipated very considerable difficulty as likely to arise from it. When he came to London, he confessed he did expect Her Majesty's Government would have brought forward themselves some measure on the subject; but having waited a considerable time, and having heard nothing of such a measure, about ten days or a fortnight ago he asked the noble Earl at the head of Her Majesty's Government a question, with the view of ascertaining what the intentions of the Government were. In reply to that question he was informed that precisely the difficulty he had anticipated had arisen—that there were upwards of 1,000 convicts already in the penal establishments who under the former arrangement ought to have been removed to the colony, but who were still kept in custody in those establishments: and it was further stated that it was still under the consideration of Her Majesty's

Government, what was to be done with these convicts. It did appear to him that answer proved that a very considerable mistake had been made. Her Majesty's Government, in deciding that transportation should forthwith be discontinued to Van Diemen's Land, and greatly diminished to Western Australia, seemed to have overlooked this fact—that they could not make a pause in the constant stream of convictions; that convictions were taking place session after session, and assizes after assizes; and that those convicted at former assizes and sessions in bygone years were, month after month, becoming entitled, under the regulations in force when their punishment commenced, to expect a release from the strict discipline to which they were subjected. It seemed to him a natural observation, that before the Government discontinued one mode of disposing of these people, they ought to have settled what to do with them; and it was not a little remarkable that, not less than three months after Parliament had been told that transportation to Van Diemen's Land was to be discontinued, the head of the Government, on being asked what was to be done with the people who were thus thrown on their hands, could only answer that the mode of disposing of them was still under consideration. That difficulty, he was afraid, was likely to increase. On a former evening, in the conversation to which he had already referred, he had expressed his fear that, before the expiration of the year, convicts entitled to expect their liberty, of whom the disposal would in like manner be embarrassing to Her Majesty's Government, would amount, as far as he could judge, to between three and four thousand. The noble Duke the Secretary of State for the Colonies corrected him, and said he had made a mistake, and the number would be much nearer half that which he had stated, and they were given to understand it would not exceed 2,000. The noble Duke possessed the official information which he had not, and he had no doubt his correction was right. At the same time, although he spoke merely from conjecture, formed at the moment, he did not do so altogether without grounds. The noble Earl at the head of the Government had told them that in little more than three months rather more than 1,000 had accumulated, who ought to be removed. He naturally concluded they would come forward in equal numbers in equal time; and that in the course of a year it might be assumed there would be somewhere about from 3,000 to 4,000. He thought, also, he remembered in the Miscellaneous Estimates submitted in the last Session of Parliament, provision was made for the expense of removing a good deal above 3,000 convicts to Australia. On turning to those Estimates he found he was right, and that provision was made for the expense of removing to Australia 3,900 convicts, and to Bermuda and Gibraltar 800 more—those going to Bermuda and Gibraltar, in the ordinary course of things proceeding to Australia. Therefore, although no doubt the noble Duke could not make a mistake, and the number in a year would be somewhere about 2,000, he hoped he had satisfied their Lordships he had not made a statement altogether at random and without reasonable grounds. Assuming, however, that the estimate of the noble Duke was correct, as no doubt it was, and that the whole number of convicts to be removed in the course of the present year would only be 2,000, still under the operation of measures taken by Her Majesty's Government in arresting at once transportation to Van Diemen's Land, and reducing very much transportation to Western Australia, it was obvious only a very small percentage of these convicts could possibly be removed from this country. They must therefore, under some circumstances or other, be discharged at home. He took it that was the undeniable and necessary consequence of the statement which had been made. Now, to determine that transportation should no longer imply ultimate removal from this country, yet to continue in the courts of law solemnly to sentence convicts to be transported beyond the seas for seven or fifteen years, or for the term of their natural lives—to allow those sentences to be considered as utterly unmeaning, and that transportation should not in future imply deportation at all—was matter for grave consideration. To come to that decision, upsetting the policy which for two centuries had been acted upon by the Government and Parliament of this country—to take that step without the authority, or the sanction, or the concurrence in any way of Parliament—was, he was bound to say, in his opinion, to go beyond the legitimate powers and duties of those who held for the time being the executive powers of the country. He did not at all attempt to deny that, under the literal construction of Acts of Parliament, looking to the very wide powers vested in the Crown by the Transportation Acts, and considering also the prerogative of mercy—he had no doubt that, technically and strictly, Her Majesty's Government had the power of doing what they proposed without any distinct infraction of technical law. But he could not admit that it was consistent with the spirit of the law, if, while transportation remained according to the statutes our principal punishment, it was in point of fact and practice to be repealed. He contended that such would have been the case under any circumstances; but he begged to call their Lordships' attention to what had taken place within a very few years, which he thought had a very material bearing on this subject, and made this setting aside of the authority of Parliament even more disrespectful to Parliament than it otherwise would be. A good many years ago a measure was adopted by the then Government, by which at once transportation to New South Wales was put an end to by an Order in Council. He knew the difficulty to which the noble Earl (the Earl of Derby), who succeeded soon after to the office of Secretary of State, was exposed by that measure, and he thought at the time, and had always thought, it was a very grievous and very unfortunate error. It was intended when that measure was adopted that the proportion of convicts punished in this country, instead of being transported, should be considerably increased. What happened? An Address was moved in the House of Commons, praying Her Majesty not so to increase the number of convicts kept in this country; and this Motion was carried in Parliament against Lord Melbourne's Government. The House of Commons thus declared in the strongest manner that it was then of opinion that it would be inexpedient to discontinue sending convicts abroad. From that day to this that House had never expressed a different opinion. During the Administration of Lord John Russell, more than one attempt was made to induce the House of Commons to alter that opinion; but those attempts were either treated with so little consideration as to have the House counted out, or were defeated by large majorities. No decision reversing that of 1840 had ever been adopted by the House of Commons; therefore, so far as the Journals of the House of Commons were concerned, it was the recorded opinion of that House that the ultimate removal of convicts sentenced to transportation from this country ought not to be discontinued. How was it also with regard to their Lordships' House? In the year 1846, it became absolutely necessary that a very considerable change should be made in the arrangements for carrying into effect the sentence of transportation. After much consideration, the Government of which he had the honour of being a member, decided upon certain measures which it was proposed to adopt to improve the mode of inflicting this punishment. So soon as those measures had been decided upon, papers containing a full explanation of the views of Her Majesty's then Ministers were laid before Parliament. Although those measures did not imply any discontinuance of the ultimate removal of convicts from this country, and although, upon the contrary, it was an essential part of the plan that convicts sentenced to transportation should, as heretofore, be removed to a distance before they were discharged from custody, still very considerable alarm was excited in both Houses of Parliament upon the subject. His noble and learned Friend (Lord Brougham) moved for a Committee. Her Majesty's Government cheerfully, and readily, and gladly assented to the appointment of the Committee, and the Committee investigated the subject with very great care. They examined all the Judges concerned in the administration of the criminal law except one (who had only recently been appointed), of England, Scotland, and Ireland; they examined the visiting magistrates and governors of prisons, who had had the greatest practical experience; and after such an examination, the Committee reported—"That nearly all the witnesses who had been examined were agreed that the punishment of transportation cannot safely be abandoned;" for it had terrors for offenders generally, such as no other punishment—death only excepted—possessed. The Committee further reported—

> "That the evidence, both from France and elsewhere, of the evil effects produced by the liberation of many convicts yearly, as their terms of imprisonment expire, would seem strongly to inculcate the necessity of obviating the great inconvenience of setting at liberty in this country, at the expiration of their sentences, those who had once been convicted of serious offences."

The Report of the Committee went on to state as the result of their Lordships' inquiries—

> "That the punishment of transportation should be retained for serious offences; that such punishment should in some cases be carried into effect

> immediately, in others at a later period; that the first stage of punishment, whether carried into effect in this country or in the colonies, should be of a reformatory as well as of a penal character; that the later stages, at all events, should be carried into effect in the colonies, the convict being for that purpose retained under the qualified restraint to which he is liable under the existing system of transportation, of holding tickets of leave or conditional pardons."

Such was the Report of their Lordships' Committee. It was true, the question was not submitted to the House itself, but only for the reason that it was understood and agreed that Her Majesty's Government should forthwith apply themselves to carry into effect the views of the Committee. They did so apply themselves. Much valuable information was obtained from the colonies, and upon that information, as well as on that which the Committee had collected, after very careful consideration, a scheme for the future management of convicts was matured and carried into effect. A full account of that scheme was embodied in various despatches, which, almost as soon as they were written, were laid upon the table of both Houses of Parliament whenever Parliament happened to be sitting, and when Parliament was not sitting, at the earliest possible period after it had met. Only two years ago, in moving the Convicts Prisons Bill, he took occasion fully to explain to their Lordships the principles and objects of the measures which had then been decided upon. He would not weary the House by again going over the ground he had so lately traversed; he would content himself with merely reminding their Lordships that the plan was, with one important modification, precisely the same as that which had been determined upon at the close of 1846. The principle of both plans was, that the more severe part of the punishment consequent upon the sentence of transportation should usually be inflicted upon the convicts in this country; that they should be subject to different kinds of imprisonment, under the best plan that could be contrived; and that after having undergone a period of severe punishment of this sort they should be removed to the colonies, there to be placed for some period in a state of qualified freedom. It was at first intended that they should have conditional pardons, the effect of which would be, that they would be free on arriving at the colony, except that they were restrained from returning to this country. The change made was, that, instead of sending them out with conditional pardons, they were to have tickets of leave, by means of which, in case of misconduct, they might again be brought under restraint. Such was the course adopted; and this measure, he would take upon himself to say—and the papers on the table would bear out the assertion—had since been in successful operation. It had answered both as a deterring and as a reformatory punishment. Now, he ventured to submit to their Lordships, that, considering the circumstances under which this scheme of punishment had been adopted, and that it was in successful operation, they ought not to have abandoned it lightly, or without knowing very well what they were to substitute for it. The ultimate removal of convicts from their native country was an essential part of the plan—it was essential as a deterring, but still more essential as a reformatory punishment. It was essential as a deterring punishment, because the evidence obtained with so much pains by their Lordships' Committee clearly proved the fact. Nothing could be stronger or more unanimous than the evidence of all the persons who were qualified to give an opinion, that ultimate removal from this country was one of the parts of the sentence of transportation which most contributed to render it formidable in the eyes of the criminal. He knew he should be told, as the House had been told a few evenings ago, that any such necessary results had been entirely changed by the discovery of gold in Australia. He confessed that he heard that argument with complete astonishment from persons who had taken the trouble to study the question. In the first place, he begged to deny the fact that the recent discoveries of gold had in any way impaired the efficacy of transportation. He would appeal to his noble and learned Friend (Lord Campbell) on this subject, for he had told the House that upon recent circuits he found the punishment of transportation as effectual in deterring from crime as it ever had been. But he had further evidence. Since he had given notice of this Motion, it had been communicated to him, on the part of the chaplain of a county prison, that according to his experience there was no part of the sentence of transportation which created so much alarm as the ultimate exile which it imposed. This rev. gentleman found that convicts in prison, after sentence had been passed upon them, were almost always eagerly desirous of having that part of the sentence commuted; and he stated, that within the last few weeks he had had three instances of this kind. They all knew it was the most ordinary thing in the world to have most urgent applications addressed to the Secretary of State, that the sentence upon convicts might be gone through at home; and that the conditional pardon might be converted into a free pardon, in order that those still in exile might be enabled to return. But he was speaking more particularly with reference to the effect of the discovery of gold. Could it really be supposed by rational men that the discovery of gold in Australia could have any possible effect of the kind supposed, or that persons would be found to commit offences for the purpose of being removed to Australia, in the hope of being there able to search for gold? Under the regulations lately in force, a convict sentenced to transportation must in general have served a period varying from five to ten or twelve years—or even longer where the offence was serious, and the man did not behave well—before he could expect to be at liberty to go to the diggings. Even a convict sentenced to seven years' transportation, whose conduct had been exemplary from his conviction, and who obtained a conditional pardon at the earliest practicable moment, must have waited three years and a half before he could be at liberty to go to the gold fields. Let it further be considered that of those three years and a half, one year must have been spent in gloomy seclusion at Pentonville, or in some similar prison, and another year of very hard labour and severe discipline at Portland, or some similar place. Two out of the three, or probably more years, which the convict must spend in this country, must be spent in this manner before he could have the expectation, even with the best conduct, of getting to the diggings. But let it be remembered what convicts were; were they men who acted upon sober and deliberate views of their own interest? Were they men who went out to pick a pocket, because, after due consideration, they had come to the conclusion that it would ultimately be advantageous to them to do so? They all knew that if a man calculated his own interest and his real happiness, he would never be guilty of any offence; but offences were committed, and crimes of the deepest dye were perpetrated, because, unhappily, human nature was so weak, that though the consequences, both here and hereafter, were well known, they had not strength of mind to resist temptation. This was the reason that offences were perpetrated. The man yielded to immediate temptation. Now, did their Lordships really believe that men of this kind, who were singularly unable to look forward to the future, would commit crimes in order that they might be transported? In other words, that after undergoing three years and a half, or ten years, or twelve years, as the case might be, of punishment of awful severity, they might be at liberty to take their chance with other scramblers for gold at the diggings? The notion was so utterly irrational, that he was convinced not one noble Lord would venture to assail the view he had expressed. But did he say there might not be criminals who had given as a reason for their crimes that they wanted to go to the diggings? Far from it. Twenty years ago, in 1830, when he had first the honour of serving as Under Secretary in the Colonial Office, he saw many letters from convicts, saying they had committed offences for the purpose of being transported. Among the infinite varieties of human character, there were to be found cases of men who had a morbid desire for punishment. This had been found to be the case with regard to the punishment of death; there were not wanting in our criminal records most frightful cases of men who, under the influence of morbid feelings, had committed great crimes in order that they might be hanged: but taking men as we found them, he believed that the punishment of transportation, as lately inflicted, contained within it more that was alarming to ninety-nine men out of every hundred, than any other punishment that could be devised. One reason for this was that it comprehended many different penal elements. There were men who had no connexions or associations with home, and who were not afraid of the banishment which constituted one part of the punishment of transportation. But that was exactly the class of characters on whom the punishment of Portland or Pentonville told with the most effect. There were, on the other hand, among the convicts educated men who had resources of enjoyment in their own minds, and these were able to bear the trying punishment of separate imprisonment; but it was most rare to find any man who could regard without intense terror and apprehension a combination of the stern seclusion of which he was the subject at Pentonville, and the ignominious and hard labour, accompanied by severe discipline, which he must go through at Portland, and the whole followed by exile. This last element of exile, he found, told particularly upon that class of men who it was most important should be impressed with terror. It had been proved by experience that there was no man who shrunk so much from exile, and from the solitary life he must lead in the wilds of Australia, as the professed criminal, who had been accustomed to live a life of excitement, and whose only notion of pleasure and joy was connected with the vicious habits of a great town, in companionship with his associates in vice. To this man especially the punishment of exile to the remoter parts of Australia was full of terror; and the Report of their Lordships' Committee stated that of all classes, those who most dreaded it were the receivers of stolen goods. He contended, then, that he had made out the case, that removal from this country had been and still was an essential part of the punishment of transportation, as lately administered, to deter men from crime. But its importance in this respect was small compared with its importance in the reformation of criminals, and the removal from this country of a class who by remaining at home became a source of infinite embarrassment and danger. It was quite notorious that men convicted of serious crimes and discharged in this country were with great difficulty, and very rarely, absorbed in society as useful members of it. On the other hand, in the colonies they frequently became useful members of society. So much was this the case, that two years ago he was able to inform their Lordships, whilst discussing this subject, that, according to the best information he had been able to obtain, it was estimated that there were then 48,000 persons living in the different Australian colonies who at one time or other had been convicted and sentenced to transportation, who, either with tickets of leave, or some higher privilege, were at large in those colonies; and that the great majority of these men were maintaining themselves honestly. That statement, he believed, had never been impugned in any of the various discussions which had taken place on this subject. Whether as men of humanity or religion, they must consider it of vast importance to bring back into society those who had once been driven from its pale; whilst, looking at the interests of this country, it was equally important that this large number of men, who, had they remained at home, would probably have continued in a course of crime, should be removed to the colonies, where they might be enabled to regain their place in society. Did their Lordships remember how great were the evils which resulted from the presence of this class of persons in large and populous countries, where there were not the means of watching or controlling them, as might be done in smaller communities? Were they not aware that in every other country in Europe, without exception, it had been found a source of extreme danger and inconvenience that such a number of convicts should remain? They knew that in France they had what had been described as an army of *forçats liberés*, who were ready to mix in every civil disturbance, to whom the great majority of crimes were traced, and who were the instructors of the young in every species of offence. In country neighbourhoods this was particularly dangerous. Had any of their Lordships ever lived in a country parish whither a man sentenced to transportation had gone back after completing his sentence? There were not many such cases at present, for a great majority of those who served out their whole time remained in the colonies; still a small percentage came home. Now he appealed to any man who knew anything of the internal administration of the law in this country, whether he was not right in saying that in a country district the return of a convict was a cause of infinite mischief and danger; that he seduced the young into crime, and, with that spirit of bravado which was universal among convicts, he taught youth that the punishment to which they were exposed by committing offences was not terrible; showed them the best and newest modes of committing crime; and, in short, his presence was a sort of moral pollution. It was not difficult to account for the difference between the probabilities of convicts becoming reformed in the colonies and in this country upon their discharge. When they were discharged at home, there was no security that they would be able to resort to labour, for it was notorious that in this country a discharged convict had extreme difficulty in obtaining employment. Often from the mere difficulty of obtaining work, he was driven back into the commission of crime; while his former associates were also too apt to make use of him. On a former occasion the noble Earl opposite (the Earl of Derby) had related to their Lordships, in the course of debate, a very affecting and remarkable story of a discharged convict, who had gone to a distant part of the country, where he had endeavoured, under a feigned name, honestly to earn his livelihood. But it happened that one of his former associates in crime discovered him, and threatened that if he did not give him money, he would expose him. The man complied, gave him money; the demand was repeated from time to time, and he was compelled to resort to dishonest practices to obtain the funds. The result was that he was detected in the commission of a fresh offence, and again came under the lash of the law. This statement, which had been made on good authority, showed the difficulty that such men had in gaining an honest livelihood, if discharged in this country. But it was not only the difficulty of obtaining employment that prevented reformation : — the change from the strict coercion of Portland or Dartmoor to a state of entire freedom, was found to be too much for men generally to stand. This was the case even in the colonies. Under the first measure of 1846, the practice was to set the convicts at liberty on what were called conditional pardons instead of tickets of leave. While this plan was adopted, it was found that though the majority behaved well upon the whole, too many of the men thus discharged, and placed entirely at liberty, were induced to linger about the towns, where they procured drink on easy terms, got among their old associates, and very soon becoming as bad as ever, were again convicted of crime. If this not unfrequently happened in the colonies, how much more likely was it to do so in this country? The convict would be under the temptation of going to his old flash house and drinking with his former companions, and, in course of time, he would fall into his old practices, and again come under the restraint of the law. In the colonies it was notorious that, under the system of assignments, a very large portion of assigned persons ultimately became very good and respectable labourers. That was the unanimous opinion of all the colonies. In the examination before the committee of the Legislative Council of New South Wales, it was stated to have been the greatest error to do away with assignments, and assemble men together in probation gangs. Whatever faults the system of assignment had, it certainly did lead a large proportion of the convicts to become good steady labourers; and this seemed, in a great degree, owing to the fact that the relaxation of discipline was gradually extended. When they were relieved from direct coercion, they were assigned to a master in a remote part of the country, where they could not easily get intoxicating liquors, and had few bad associates to mix with; also they were subject to severe punishment, not only for crimes they might commit, but for any irregularity; while, on the other hand, the greatest encouragement was given to industry and good conduct. The regulations under which ticket-of-leave men had since 1847 been sent to the colonies, had been drawn up with anxious and studious care to retain all that was advantageous in the old system of assignment, whilst avoiding the abuses to which assignment was liable, and which led to the system being condemned by the Committee of the House of Commons in 1838, and to its subsequent abandonment. He ventured to say that these regulations had been to a great extent successful. On this subject he confidently appealed to the papers upon the table. The convicts who had lately been sent out under those regulations, had behaved in the most exemplary manner. The percentage of those who had committed fresh offences was remarkably small, and the reports of their good conduct from all parties and all quarters were unanimous. He had reports not only from Government officers but from settlers; and he lately saw a colonial newspaper which contained an account of a public meeting held at Moreton Bay, attended by the most respectable inhabitants of that district of New South Wales, wherein it was stated that the conduct of the men sent out with tickets of leave had been unexceptionable, and that they were preferred as servants to free emigrants. In the last report of the director of prisons there was an extract from a letter from Western Australia exactly to the same effect. There was another very material point to be considered, in adverting to the value of ultimate removal as a means of reforming convicts. Need he point out the great difference between the condition of the convicts in the hulks, such as they formerly were, and that of the men now under punishment in such well-regulated prisons as Portland and Dartmoor? Did their Lordships remember what the hulks were? At one time every possible abuse existed in the hulks; and in spite of the rigorous and hardening punishments there habitually inflicted—in spite of the unsparing use of the whip, which was the main instrument of government, it was notorious that, though unpaid, the labour of the convicts was, in the opinion of every First Lord of the Admiralty, the most expensive that was employed in the dockyards? What was the state of things now? In the improved discipline of these prisons, the use of the whip was almost dispensed with; whilst the actual amount of labour done by convicts, and ascertained by strict measurement, would do no discredit to the same number of free labourers. He himself had seen in the prison at Dartmoor the work done in one week by a pair of convict sawyers compared with the work done by a pair of free sawyers; and on a measurement, the work done by the convicts was found to be the most. For many years successive Governments had been endeavouring to do all that could be done for the religious improvement of the convicts; but that which had contributed more than anything else to the gratifying reform which had taken place, had been that, instead of trusting almost entirely to "fear" as the instrument of government, they now looked to "hope" as the principal means of exercising an influence on the minds of the convicts. It is true that even formerly convicts were told that they would be more early released if they behaved well; but at that time no arrangement had been made by which their daily conduct and industry could be made to have a certain and obvious effect in determining the period of their release, and by which the expectation of this boon might be brought to bear upon their minds. But within the last few years, by regulations carefully drawn and skilfully adapted to this purpose, not adopted at once, but worked out little by little, as experience suggested improvement after improvement, they had accomplished the great object of making every convict feel that his daily conduct and industry had a direct and perceptible effect in improving his position, and that by behaving well, and by exerting himself, he might expect greatly to benefit himself. It was by thus producing hope, and making it so powerful, that they had mainly accomplished so great and valuable a reform. But on what did this hope depend? Mainly on removal to the colony, within a limited time, with a ticket of leave. This was looked forward to with intense desire. To obtain this reward was the great motive of every convict. It might be said, if removal to the colonies was so great a reward, it was surely not proper to retain it as part of the punishment, and that the argument which represented exile as necessary for deterring from crime fell to the ground. But it was not removal to the colonies which was the great motive; it was relief from the severe discipline to which the convicts were subjected in this country. If their Lordships had not visited the great establishments where this system was carried on, they ought to do so, in order to form a judgment on the subject; and when they saw what that discipline really was, and what a convict underwent, they would not wonder at his intense desire to be relieved from it. At Dartmoor or Portland, the whole life of a convict was one monotonous round of dreary labour or seclusion. Severe labour occupied many hours of the day; he was confined in a small cell by himself, with no recreation but books, generally of a serious character, with none of those sources of excitement which his previous life had made almost a necessity. He had no means of indulging in drink, or tobacco, or obscene conversation, or any of those things to which convicts had been accustomed. When he was not absolutely engaged in labour, or in recruiting his strength for that labour by sleep, his life was passed without any other relaxation or amusement than that which he could derive from solitary reading, or from receiving instruction from the schoolmaster. To be in one of those great halls, with a range of iron cells on each side, to know that you had four hundred convicts only separated from you by a slight partition, and that among that multitude of men, utterly unconscious of your presence, there was not a whisper to be heard—it was a thing which made the flesh almost to creep to consider how severe that discipline must be. Knowing that human nature required some relief from constant occupation, and seeing what that discipline was, it was not to be wondered at that there should exist an intense desire to be relieved from it. It would no doubt be a great increase of the boon to be told that they would be relieved at home; but they were most anxious to be relieved from it even by exile, which was formidable to most men. That desire was the keystone of the whole reformatory system which had been established. In the case of a convict who had committed a very serious offence—one who had barely escaped capital punishment, through the Secretary of State commuting it to transportation for life—it might be quite safe to release him at the end of four or five years, if he were removed to a distant colony, and there placed under restrictions still tolerably severe, though a great improvement on his former condition, and with the obligation of paying a considerable sum of money, and doing a considerable amount of work before he could obtain a conditional pardon. Such a man, who had committed a crime which was only distinguished by a nice shade from murder, might, under such conditions, be safely released, after four or five years, from Portland; but what would be the effect if, after those four or five years of seclusion, he were allowed to go back to his old comrades, and say, "See what I have done; I knocked out the brains of the keeper of the prison;" or, "I have been a notorious housebreaker for ten years; and, after four or five years, which I don't much care about (for that was always the language they held), here I am back again. Don't be afraid of the sentence of the law; that is the worst it can do. Join with me, and let us form another gang for breaking open houses." To allow men of this kind to return to their old haunts, would destroy all reformatory discipline. No one who knew anything at all of the criminal law would believe that this would be safe. But what was the alternative? To prolong the period of punishment. But precisely as they prolonged that period, precisely as they made very distant the period when good conduct would procure a release—precisely in the same degree did they diminish the influence of that hope which was now the main instrument of governing convicts, and which led them to behave so well in our prisons at home. If the criminal were told that, let him behave ever so well, he must continue in that gloomy retreat for ten or twelve years, it was greatly to be feared that the hope of accelerating the period of his discharge would lose its effect, and that he would not think it worth while to exert himself in the hope of knocking off one or two days at the end of that period; and that he might as well be guilty of some breach of discipline, and enjoy himself as he could while in prison. To prolong the period of prison discipline would cut off the main source whence its excellence was derived, and would render the hope now excited in the minds of the convicts comparatively null. He need not, however, press this branch of the argument any further, for he assumed that it would be contended, by those who opposed his Motion, not that transportation was otherwise than useful in itself and beneficial, but that it must of necessity be given up—that it was impracticable to remove from this country the thousands of convicts in our prisons who were now looking forward to transportation. He dissented, however, entirely from this view of the case; because if they were to abandon transportation, not because it was thought a bad punishment, or because it was thought to have failed, but because Van Diemen's Land could not be required any longer to receive convicts; and there was no other place to which they could be sent; then in such case the Government ought to have taken the course which had been adopted by their predecessors. He was not aware of any sufficient grounds for abandoning the system of transportation, but was willing, for the sake of argument, to concede that further removal of convicts to Van Diemen's Land should be abandoned. But granting this, what was the proper course to be adopted? He had no fault whatever to find with the despatch of the right hon. Baronet the late Secretary of State for the Colonies (Sir J. Pakington), in which he stated that he thought transportation to Van Diemen's Land ought to stop; but that Government were unable to fix the precise period at which that system should be given up, because Her Majesty's then Government proposed to submit to Parliament certain changes in the law which they thought necessary in order to effect this alteration in the criminal practice of the country, and to take time to make certain arrangements, by which this alteration might be carried out without injury to the country. This was a perfectly legitimate course, and if had been adhered to, and if the Government had come down to the House, and said that they thought that the continuance of transportation to Van Diemen's Land was unnecessary, he had no hesitation in expressing his conviction that it would have been perfectly practicable, by arrangements which might have been made, by changes in the law which might have been proposed, to put an end, at no distant period, to transportation to Van Diemen's Land, and at the same time to maintain that punishment to an extent sufficient to answer the most important purposes. He believed that they might have continued that punishment, restricting the number of offences to which transportation was applicable, and adopting the measures which were in their power of increasing the number of convicts who might be sent elsewhere than to Van Diemen's Land. In saying this, he did not mean to recommend the formation of new penal settlements in the Falkland Islands, or in any of the still unsettled dominions of the Crown, as had been proposed. Those who had given that advice could not have sufficiently considered what was the real object to be accomplished. If the object were merely to keep convicts in the safe custody and under the eye of the Government, there was no place where this could be done so well and so cheaply as at home. At Portland or Dartmoor, they could be separated from the population at large as effectually as at Norfolk Island; and they were immediately under the eye of the Government; and when abuses arose they were much more sure to be detected, and a remedy might be applied much more promptly, than at a distance. Therefore, for convicts actually under the custody of the Government, he would say "there was no place like home." But what was wanted was a place where they might be discharged with safety, when they were qualified for freedom, with tickets of leave. New settlements did not answer that purpose; and had it been proposed to discontinue transportation to New South Wales, when the population was altogether criminal, he should have concurred in the proposition. But when Lord Bathurst most wisely held out inducements to settlers to go to New South Wales, by the employment of the convicts; and when the convicts ceased to be the majority of the population, the real evils of the system were at an end. It was possible that the Falkland Islands might absorb a few dozen convicts with tickets of leave; and perhaps some arrangement might be made with the company that had undertaken the improvement of those islands, to afford employment there even to one or two hundred convicts. But this could not be carried far: what was wanted was a place to send convicts to where they might form only a small proportion of the population. The more widely they were dispersed, and the more numerous the population of the place they were sent to, the better; and he believed it was still perfectly competent for the Government to make arrangements with the colonies to take a limited number of convicts yearly. Hence the infinite mischief of the language held by some persons in this country, who, in the prosecution of their wild theories, had created a feeling in the colonies that did not before exist, that to receive convicts was a disgrace. Were it not that this was done in sheer ignorance or folly, rather than in mischief, those who created this feeling would be chargeable with a great crime against society. But he trusted that the inhabitants of some, at least, of our colonies would learn before long how absurd was the notion that either disgrace or injury could be brought upon them by receiving convicts under proper regulations, and that on the contrary this might be the greatest advantage to a rising settlement. He had heard that there had been a public meeting at Natal, to ask for convicts to be sent there. He hoped it was true. He was persuaded that if they did ask for convicts, after undergoing the improved system now established in this country, and if this country treated the colonists generously, and made it no source of expense to them, it would be an infinite advantage both to the colony and the mother country. That colony wanted an increased number of European labourers, and that increased number, with the superior attractions of the gold fields, they would not obtain, unless such means were taken of supplying the demand for labour as transportation afforded. Assuming, then, that the Government were right in determining to put an end to the transportation of convicts to Van Diemen's Land, he should have advised them to adopt the plan proposed by the right hon. Baronet the Secretary of State under the Government of the noble Earl opposite. Would it be said that the colonies were too pressing, that they would not wait, that it was necessary to act without delay, and that the requisite time could not be afforded? Such an argument was not only unfounded in itself, but pregnant with mischief to our whole colonial empire. No man held higher than himself the doctrine, that if we would retain our vast colonial empire, and keep its different parts knit together by mutual affection and loyalty to the Crown, it was necessary that the Imperial Government and Parliament should deal with justice—nay, with indulgence and consideration—towards the colonies. But he utterly denied that Government or Parliament was bound to yield to every demand of the colonists, whether just or not, and to listen to every clamour, reasonable or unreasonable. Important as he thought it that we should retain our colonies, he said deliberately that it would be far better to part with them at once, than to retain them on those terms, by which we were to have the onerous duty of defending and protecting them, but to exercise no substantial authority. He hoped that an argument so derogatory to the dignity of Parliament and to the Crown, would not be used in that House. The right rule to act upon was this: the Legislature must listen to the desires of the colonists; they must hear their prayers with every disposition to accede to them; and whatever was consistent with the common good of all we were bound to grant; while those demands which were not based on justice, and were inconsistent with the general welfare of the whole empire, we were bound to oppose. The true test of statesmanship—that which made the difference between a statesman and a mere shallow politician—was to be able to discriminate between one case and the other, to know when justice required concession, and when their duty to the Crown and the empire prescribed firmness. Let them apply that rule to Van Diemen's Land. How far was the demand just, how far was it supported, not by popular clamour, but by reason, that they should not merely put an end to transportation to Van Diemen's Land, but that they should do it so precipitately as not to leave themselves time to consider and discuss any other mode of punishing convicts, nor time to take Parliament into their counsels, as by the constitution they were bound to do. How far was it just that Van Diemen's Land should demand from us, not only concessions, but concession so hasty and precipitate as that? In order to arrive at a correct decision on the subject, they were bound to look at the origin of this colony. The whole population of Australia had been created by the transportation system—even New Zealand, distant as it was, for it would not have been available for settlers but for the wealth and resources created in that part of the world by the system of transportation. Some three-fourths of a century ago the Government of this country found that part of the world utterly uninhabited and untrodden by civilised man, and expressly with the view of sending convicts there had fitted it for receiving thousands and thousands—the numbers would soon be millions—of their fellow countrymen; and this had been done at an enormous outlay, incurred expressly for convict purposes. How had the free population arrived there? Some as convicts, some as voluntary exiles, and even among the persons who were making the loudest clamour on the subject, there were some who had voluntarily emigrated to avoid being brought before tribunals of justice. They were the descendants of convicts, or they were persons who went out, under the inducements held out by Lord Bathurst, to avail themselves of cheaper and better labour, which the system of sending convicts to that colony supplied. They had succeeded, and he rejoiced at it. Look at the present condition of Van Diemen's Land. It was in possession of wealth far beyond that of any other colony ever founded in the world, and he believed, in proportion to the number of its inhabitants, it possessed many of the advantages of an old country—neat farm-houses, fields divided by hedges, good roads, all the means of civilised life, an efficient police, the most perfect safety—greater than we enjoyed in this country—from offences. All this comfort and wealth, all this fortunate and prosperous state of things, had been created exclusively by the enormous expenditure of this country in sending out convicts and maintaining the convict establishment. Was it, then, just or reasonable, that, precisely at the moment when Van Diemen's Land could receive convicts with the most advantage to itself as well as to the mother country—when the colonists had derived so much benefit from convict labour and convict expenditure—they should turn round on the mother country and say—"We will not only not tolerate receiving convicts, but we will not even give you time, in making the change, to consult Parliament, or to adopt any other plan to relieve you from the great inconvenience which the change must occasion?" Was this a case in which the demands of the colonists—supposing them to make these demands—were based upon justice? He believed, however, that they were greatly wronging the colonists in supposing them to be so unreasonable as to make such a demand as this. The colonists of Van Diemen's Land would, he was convinced, have been quite satisfied with the promise given by the late Government; and if the present Government had adhered to that promise they would have done all that was asked, and at the same time have been spared the embarrassment in which they were now placed. It should be borne in mind, that it did not follow, because the clamour was loud, that therefore it was reasonable, or was joined in by the more sensible part of the community, or was of a nature likely to continue. As far as we had the means of judging, there was every indication that this opinion against convicts was not adopted on sound reason and adequate grounds. In the first place, the cry was quite new, and it was no long time since the cry was all the other way. Any objection on the part of the colonists had never even been heard of when he began to attend to the subject; and he might be permitted, in passing, to observe that he was one of those who had many years ago assisted in pressing the subject on the attention of the other House of Parliament, and who had been most anxious to put an end to transportation as it was then conducted, for the purpose of arriving at the very plan which had been lately in operation; because, without giving himself credit for superior discernment, he might state that nearly twenty years ago he had expressed an opinion in favour of a plan founded on the very principles which had been adopted in 1847. But when the change was then proposed, the colonists and newspapers were as rabid in their opposition to it, and in denouncing all who objected to the system of transportation, as they were now on the other side. They were as ready then to denounce as enemies of their country any one that should venture to suggest the possibility of there being any abuses in the existing system of transportation. Nor had this feeling changed up to a very recent period. He held in his hand an extract from the Report of a Committee of the Legislative Council of New South Wales, which sat on the subject in 1846; and it seemed to be the theory of that Committee, that people at home ought to commit crimes in order that there might be plenty of labour in the colonies; for they came to a resolution to the effect that not fewer than 5,000 male convicts should be annually transported to New South Wales. Nor was the Committee at all apprehensive that any moral evil of any sort or kind would follow the importation into the colony of so large a number of convicts; because they argued that the free population had obtained so great a head and mastery over the convict population, that if the proposal was carried out, the vast absorbing and dispersing powers of the colony would prevent the convicts from ever swamping the free population, as they had done in Van Diemen's Land. Thus they would see that the Committee agreed with him in thinking that the fitness of a colony to receive convicts, increased with the increase of its free population. It was perfectly true that the Council did not concur in the report in 1847; but it was remarkable to observe of whom this Committee was composed. Its Chairman was Mr. Wentworth, now the oracle of the other side; and another of its leading members was Mr. Lowe, who was also now a determined opponent of transportation. Yet Sir Charles Fitzroy stated that up to the end of the Session of 1848, since which time the system had certainly not become worse, but better, these gentlemen professed their unreserved concurrence in the report of the Committee. In that year, too, the Legislative Council deliberately came to a resolution, requesting that convicts should again be sent to them. But more than this. The present Chairman of the Anti-Convict League was one Mr. Cooper; and he found from the colonial newspapers that this same gentleman was a member of an association which was formed in 1846 by the settlers in Port Philip, for the purpose of raising money to defray the expense of importing "expirees"—that was, not persons who had undergone the improved system of convict discipline, but those who had composed the probation gangs in Van Diemen's Land, at a time when their discipline was notoriously bad. Again, he found that at the present time a very large number of the most respectable and intelligent settlers in Van Diemen's Land had signed a petition, praying that the system might be continued. He believed it was not upon the table of the House, but he had seen it in a colonial newspaper, and he had no doubt as to its authenticity. At the same time, he was far from denying that there were many persons in the colonies who entertained a very sincere opinion against transportation; but he thought the circumstances he had mentioned showed that the opinion had not been very deliberately or very soberly formed. On the contrary, he believed that it might be mainly traced to the language which had been held in this country. People here talked about "the disgrace that attached to penal colonies;" and had asserted that it was the objection entertained to a penal colony which had prevented emigration to Van Diemen's Land, until the colonists had begun to feel it. The colonists were very sensitive about what was said and thought of them in the mother country; and, though there was perhaps a little vanity in this, the feeling was on the whole praiseworthy, and did them credit. He only wished they would estimate a little more correctly what the opinion of this country really was—what was really thought with regard to this question by reasonable men—and what really was the effect of preventing settlers going to those colonies. If they supposed it was the penal character of the colonies that prevented people going, there never was a greater mistake. He had told their Lordships already that the first free settlers that went to New South Wales were induced to go there by the wise regulations of Lord Bathurst, and that they went there for the sake of the cheap labour they obtained. It was only three years since the first convicts were sent to Western Australia. At that time the difficulties of the colony had become so great, and its prospects were so apparently hopeless, that many of the inhabitants were on the point of abandoning the settlement. But already the effect of sending convicts there had been to produce great prosperity; and now he actually found the population there congratulating themselves on the fact that in the short time that had elapsed since the sending of convicts to Western Australia, a most useful accession had been made to the better classes of their society. Did noble Lords really believe that if the numerous persons in this country who were desirous of emigrating, and who had a little money to invest, were offered land in Van Diemen's Land at a moderate price, with a gratuitous passage there, and at the same time a plentiful supply of cheap convict labour, as well as a market for their produce at the high prices which they must command since the discovery of gold—did they really believe that persons contemplating emigration would not soon find out that Van Diemen's Land was the place to go to in order to get rich—especially if they saw that there was such an admirable police that they might enjoy perfect safety? They might talk till they were tired about the moral disadvantages of a convict population, but with such prospects they would never prevent persons from going there. Certainly if he were contemplating emigration, Van Diemen's Land would have been the colony he would have chosen while convicts continued to be sent there. But if transportation ceased, any man that expected to make his livelihood otherwise than by the labour of his own hands, would be insane to go there; because it was obvious that no produce he could raise by the means of labourers, to whom he must pay such wages as would deter them from going to the diggings, would have any chance of competing in the market with that brought from America, or even England. However, as the Legislative Council had spoken, he must assume that it expressed the opinions of the community; and, right or wrong, that opinion was, that transportation should cease. But when he was told that the inhabitants of Van Diemen's Land and Western Australia would rebel, and that the example of the American colonies would be followed, he could hardly forbear from smiling at the perfectly ludicrous contrast between the two cases. What similarity was there between the strong feeling which had led to the throwing of tea into Boston harbour, and the feeling which did not prevent the scenes which took place at the arrival of the convict ships? Why, in a recent paper there was a most graphic account of the tumult which such an event occasioned. Even the assistance of the military had to be invoked, to restrain the crowds of rich and poor who assembled—not to drive away the convicts from their shores—but to secure their services. What a contrast between the persons who had indulged in this foolish talk in the colonies, and the great men of the American revolution—men not less distinguished for their moderation than their firmness; men whose moderation was such, that had there been the smallest infusion of political wisdom in the councils of this country, the calamitous struggle, and the secession of those colonies, would never have taken place. He said again the Government were not bound to adopt the precipitous step which appeared to be contemplated. No grounds had been shown why Her Majesty's Government should not have waited to consult Parliament on this important subject, nor did it appear that any efficient arrangements had been made for the disposal of the convicts in the event of the regulations which were in force in 1852 being abandoned. He must now refer for a moment to the Amendment which had been placed upon their Lordships' paper by the noble Earl near him (the Earl of Chichester). If that noble Earl really wanted to take the sense of the House upon the propositions embodied in that Amendment, he (Earl Grey) would appeal to him to bring them forward at a fitting time in the shape of a substantive Motion, and to let the House decide upon them in that form. The Amendment of the noble Earl was utterly beside the question which he (Earl Grey) had now brought under the consideration of their Lordships. If he was prepared—which he was not—to agree, without reserve, in all the opinions expressed by the noble Earl in that Amendment, he (Earl Grey) would say, instead of that being a reason against adopting the Address to the Crown which he proposed, it was a still stronger reason than any that he had alleged in favour of that Address. What did the noble Earl contend? The language of that Amendment was utterly incomprehensible. It talked about sending convicts to colonies which were "incapable" of receiving them. Surely that must be a mistake, for it was not common sense. The noble Earl wished the Government to devise a system of secondary punishments which should be as much dreaded and as reformatory as transportation. Why, that was a problem which every civilised nation had been attempting to solve for the last century. Yet the noble Earl demanded an immediate solution. Was that rational? Again, the noble Earl distinctly recommended additional means of secondary punishment in this country, and admitted that new buildings would be necessary. Was it then reasonable to put an end to transportation before these further arrangements had been provided? Surely this alone was sufficient to prove his (Earl Grey's) case. If, however, the noble Earl did press his Amendment, he (Earl Grey) trusted the House would deal with it as merely an indirect way of evading a question which for the honour of their Lordships' House, and for the good of the country, they were bound one way or the other to decide. Surely the course the Government had taken was an erroneous one; but it was still not too late for Parliament to interfere, and he asked them therefore to agree to the Resolution of the terms of which he had given notice, namely—

> "That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to give directions that the arrangements with respect to the punishment of Criminals sentenced to transportation, which were in force in the year 1852, may not be changed in such a manner as to prevent the ultimate removal of such offenders from this country until a full account of any contemplated alteration in the above arrangements shall have been laid before Parliament, and till Parliament shall have had an opportunity of considering the measures it may be intended to adopt previously to their being carried into execution."

The EARL of ABERDEEN: My Lords, perhaps it may be convenient that I should thus early state in general terms, although very shortly, the view which Her Majesty's Government take of this most important subject. And I do so, I confess, the more readily, because, notwithstanding the speech that your Lordships have just heard, I cannot help entertaining some hope that the noble Earl will not himself be disposed to press his Motion upon the House. In the first place, I must observe that this Motion is one of a very unusual character. It is, I think, an intervention of a description rarely attempted towards the legitimate exercise of the prerogative of the Crown, and the discretion of the Executive Government. The noble Earl seems to think that we have taken a step in this matter without having the sanction of Parliament to authorise it. We have done no such thing. Had we been disposed to take any step at variance with the law, or requiring the sanction of Parliament, of course we should most readily have come down and requested your Lordships to authorise such a proceeding. But we have done nothing of the kind. All we have done has been that which, whether right or wrong, wise or unwise, it was perfectly competent, in the exercise of the prerogative of the Crown, for the Executive Government to do. Now, my Lords, I agree with the noble Earl in thinking that hitherto this subject has always been treated as not belonging to any party consideration in this House. The subject is one which interests our social condition so nearly, and is so important to the welfare and happiness of such vast numbers of our fellow-subjects, that it has been put aside from all considerations of a party nature; and certainly I have no reason to imagine that the noble Earl would attempt to meet this question in any different spirit. That the noble Earl himself, and the right hon. Gentleman who was his Colleague at the Home Office, have made great improvements in the nature of convict discipline, both at home and abroad—to that I can bear the fullest testimony that is possible. At the same time I must be permitted to observe, that the difficulties under which we labour at this moment, however unintentionally on his part, have been mainly created by the noble Earl himself. The question, the practical question, after all—notwithstanding what the noble Earl has said about the abolition of transportation, of which nothing of the kind has taken place—the practical question is, whether we should continue transportation to Van Diemen's Land or not. Now, I say that the noble Earl has made it impossible, for this reason—I do not say intentionally, but such is the fact, and your Lordships will see, by the merest statement of the facts as they occurred, that such is the case. In 1846, when my right hon. Friend Mr. Gladstone was Secretary for the Colonies, he found that the system introduced by the noble Earl, however well devised—and I am not about to find fault with that system as established by him—but, from the association of these men in numerous gangs, the abuses attending the system were so great, and the country had arrived at such a state of horror and abomination, that Mr. Gladstone found himself under the necessity of suspending all transportation for two years. Shortly after that declaration on his part, a change of Government took place, and the noble Earl succeeded him. The noble Earl, on the 5th of February, 1847, wrote to Sir William Denison in Van Diemen's Land, and said, "I have to inform you that it is not the intention of Her Majesty's Government that transportation to Van Diemen's Land should be resumed at the expiration of the two years, for which it has already been decided that it should be discontinued." [Earl GREY: Read the previous sentence.] I am quite ready to admit that the noble Earl intended something different from that which he has said. [Earl GREY: Hear, hear!] If the noble Earl will hear, I will add this, that whatever interpretation he may put upon this despatch now, and whatever he may have intended by it (for I don't wish to quarrel with the interpretation he gives of this passage), Sir W. Denison, to whom he addressed it, understood it in its plain meaning. And what did he do? He announced to the Legislative Assembly—and this is the noble Earl's own statement of the matter in a production of his which I read recently with great satisfaction—Sir W. Denison declared to the Legislative Council that it was the determination of the Government not to send any more convicts to Van Diemen's Land. Very well. Now, there is the understanding of the Governor of the colony announced to the legislative body of the colony. The question, then, becomes one of good faith, because at least the inhabitants of that colony attached credit to the declaration of their own Governor, founded as it was upon the despatch of the noble Earl. Now, I know very well the noble Earl intended that transportation should not be resumed in the same manner in which it was carried on before. I know that was his intention; but at the same time the Governor to whom he wrote did not understand it so, and the colony to whom the Governor explained the noble Earl's intention did not understand it so. They, therefore, undoubtedly, received the fixed impression that the Government had intended to abolish transportation to Van Diemen's Land. Well, after that conviction, I say again it was very difficult to disabuse them, if it was an error, from that belief. As it is now confirmed over and over again by the declaration, the emphatic declaration, of their Legislature, I submit that it is very difficult, and indeed impossible, to contend with such an exposition of the policy of the Government. But who is it that tells us we are not to respect this declaration on the part of the Colonial Legislature? Is it the noble Earl, who, as we perfectly recollect, in one instance at least, laid it down that the Government of this country has no right to send out convicts to any colony against the consent of its inhabitants?

EARL GREY: That colony not being originally a convict colony.

The EARL of ABERDEEN: Very well. The noble Earl, of all men, was surely the one who ought to pay some respect to the declarations of the Legislatures of those colonies. Is it only, then, against the Church of England that the noble Earl supports the declarations of Legislative Assemblies? Is it only in Canada that the Legislative Assembly is to be supported in the wishes it expresses; and are colonies which protest against convict settlements being forced on them—are they alone not to be listened to, and not to receive any attention from your Lordships? I say, my Lords, that the noble Earl ought at least to be consistent, and give its proper weight to the voice of the Assemblies he has himself helped to constitute in those colonies. My Lords, the noble Earl has throughout treated the whole of this subject as if we had taken a decision to abolish transportation. Now, we have not only done no such thing, but we are anxious to preserve the system of transportation. Undoubtedly, the field in which it can be exercised is diminished. We have a difficulty to contend with; and, as I have already said, whether designedly or not, that difficulty has been mainly created by the noble Earl himself. But there are settlements which still remain; and I think that, by good administration at home, the number of convicts transported may be so diminished, that it may be possible to find means for the accommodation of them in those restricted territories to which I refer. They may be sent, for example, to Western Australia. I do not deny—on the contrary, I quite agree with the noble Earl—that the project of other penal settlements being founded would not answer the purpose for which transportation is now intended, and for which it ought to be supported. The noble and learned Lord at the table said the other night that we might send convicts to the Falkland Islands or Greenland. What sort of discipline he meant to enforce there, I don't know; but it shows, when the noble and learned Lord, whose words were entitled to so much weight and respect, spoke in that way, how little people really feel what is the nature of the transportation to which we are now alluding. Because it is not such a settlement as could be formed in the Falkland Islands or Greenland that we are speaking of. That might, indeed, be a very good prison. But what is required is a gradual absorption of the convicts into the population of the settlement to which they are sent. That, I must say, for many years must be impossible in any new settlements we can form. However, I am not one of those who think it impossible that some use might be made of the Falkland Islands for this purpose. It is, at all events, a subject which deserves inquiry; and in the deficiency of the means we have for disposing of these persons, I do think it possible that some facility might be afforded by those islands. It is our opinion, my Lords, that transportation, as far as it can possibly be exercised, is a most valuable portion of the system of secondary punishments in this country. But whether it be valuable or not, and however anxious we may be to exercise and carry it into effect as extensively as the means we have will allow, still I do think the time is come when it is absolutely necessary to make large provision in this country for the treatment of our criminals, whether sentenced to transportation or not. That much is certain; for however much we may wish to maintain transportation, the exercise of it must necessarily diminish; and therefore we must endeavour to find some other mode of treating a vast proportion of those persons who are sentenced to punishment. I think we have had great encouragement in the attempt. I think that the institutions that have been already established—the reformatory system which has been introduced, joined with labour on public works—have been attended with the very best effect, and may be said to have been greatly successful. I think it is possible some change may be made in that very indiscriminate mode of sentencing to transportation which has taken place for many years past. A man is sentenced to seven years' transportation. What does that mean? or, rather, what did it mean formerly? Why, two or three years in the hulks, and then to be turned out loose, without any education, teaching, or discipline, but the whip, upon the country. And that took place year after year, without any of the great alarm which some noble Lords now profess at the possibility of persons being discharged and let loose upon the country after undergoing an imprisonment and discipline from which there is every reason to hope that material reformation may have taken place in a great proportion of them. For, my Lords, the great majority of these persons sentenced to seven years' transporportation are not persons of any very determined guilt, and in whom there is a great amount of moral turpitude. No doubt there is a great variety in these cases; and that, I think, is one of the great objections to this sentence—that it presses so unequally on the persons sentenced. Transportation may be a very valuable punishment, as I have said before; but at least it must be admitted to be the most unequal in its effects of all punishments. To many persons—to the sensitive and feeble—it is worse than death; to the adventurous, the bold, and reckless, it is no punishment at all—quite the contrary. Many of your Lordships have heard of a noble Lord—a Member of this House—who was so determined to go to Botany Bay that he declared to his family that if they did not send him there he would take good care to be sent. That is a fact, I believe. It is undoubtedly the case that transportion presses most unequally on the persons sentenced to it. The noble Earl throughout his speech has, I think, in effect, though maintaining the necessity of transportation to Van Diemen's Land in the strongest manner, nevertheless very much confined his eulogy to the treatment of prisoners at home. He has described—and most justly described—the effect produced by the discipline pursued in those establishments in this country to which he referred. I say, my Lords, nothing can be more just or true than that description; and the necessity of extending that system becomes more apparent every day; and without our giving up transportation, but—quite the reverse—maintaining it especially for those cases of a serious description—I think that, for all minor offences generally, the system of reformatory imprisonment, combined with labour on the public works, would be preferable, and would be best suited for a large proportion of those persons who are now sentenced to transportation. The noble Earl has tried to alarm us by referring to the example of France. He says that the persons discharged from the galleys—the *forçats* of France—are the terror of the country. No doubt they are; but why? Because they have not undergone that discipline and reformation which, according to the noble Earl, we have here, and which we are endeavouring to apply to those persons in our own country. It is too soon yet to speak with certainty on the subject; but I do think that in the few years which have elapsed since the institution of Portland and Dartmoor, nothing can augur better for the full success of the experiment; and the noble Earl deserves great praise for that experiment, and for founding those great establishments. The noble Earl has made light of the notion that transportation has no longer the same terrors it had formerly, in consequence of the discovery of gold in the colony, and the notion that may be entertained of reaching the diggings; and considers it quite absurd to suppose that that can operate on the minds of persons like those who are subject to this punishment. Now, I think that reckless minds are not incapable of being moved by some vague notions of this kind; but whether that be so or not, there is one thing which I think important in reference to this question, and that is, that owing to the extent to which voluntary emigration has taken place within the last few years, the prospect of crossing the sea no longer possesses the terrors it formerly did, and that alone would be sufficient to diminish greatly the terrors belonging to transportation, and its efficiency in deterring from the commission of crime. I bow with great respect to the opinion of the noble and learned Lord near me (Lord Campbell), and to the opinion he has given with respect to transportation possessing the same terrors as formerly; it may do so in many instances, but I repeat that the inequality of the punishment is a radical defect which must belong to it, and whatever you do you cannot make it equal. It was only this very day I took up at random the report of a most intelligent gentleman—the chaplain of one of the principal gaols in England, that of Preston—in which I found it stated that the persons lying sentenced to transportation in that establishment were guilty of a variety of offences, from the most serious crimes to almost venial offences—in short, it appeared that a large proportion of them would be much better dealt with under entirely different treatment, and that you ought not to go on sentencing men to transportation whom you never meant to transport. I think it would be a great misfortune if there were not the means of disposing of the more serious cases of crime out of the country, and where transportation was for a very long period—say for fifteen years and over—then it would be desirable to carry it into effect in all cases. The noble Earl has also said that those persons who were the very worst in these establishments would be turned loose on the country. Why should they be the worst? That is quite a gratuitous supposition. We should, probably, not turn out the worst, and we should, probably, turn out the best; and if the system is good for anything, it is this, that it enables a proper discrimination to be exercised towards those persons according to their various dipositions.

Lord CAMPBELL was understood to inquire if the noble Lord meant to have a system of perpetual imprisonment instead of transportation?

The Earl of ABERDEEN: No. I have already said that for serious offences transportation should on every account be preserved, and that it should, in every case where it was pronounced, be enforced and executed. It is a farce to sentence to transportation when it is not intended to be carried out. I said distinctly also, that for a very large proportion of offenders, there might be, not only a more fit punishment, but that they might be reformed by their punishment; and the experience we have, though but short hitherto, fully justifies us to expect that such will be case, except in criminals guilty of serious offences. In taking this step, which the noble Earl thinks so hasty and so rash, we have made provision for the reception of those persons in the number which is likely to be sent in the course of the year to those establishments, and there will be no chance of any inconvenience arising from any multitude of persons sentenced in the course of the ensuing year. I hope that long before this period has elapsed, a well-devised plan will be ready in its details. I say in its details, because the noble Earl must not suppose that this abolition of transportation, as he calls it, has been decided on without any view to a substitute. Far from it. I have already intimated what is the substitute for a large proportion of those persons, and accommodation has been provided for any probable number of persons who may be sentenced. But the precise amount and nature of the punishment—the due regulation and treatment—which will be substituted for that portion of the punishment which consisted in sending them with tickets of leave to the colonies, have not been fully concluded upon. These are matters which will receive full consideration, but they are only details, and, with the assistance and experience of the very able and most efficient persons administering those establishments, I do not doubt we shall have such a scheme as shall prove fully satisfactory. My Lords, I do not think it necessary to say more, except to protest against the notion which throughout the speech of the noble Earl he has endeavoured to establish—that we have come to a decision to abolish transportation because we find it impossible to send convicts to Van Diemen's Land—for that is the whole amount of the charge; and, although it might not have been the intention of the noble Earl to make that charge, I must say it has no existence in fact.

The Earl of CHICHESTER said, it was with considerable pain he felt himself obliged to oppose the noble Earl who had moved the Address, not merely from personal feeling, but because he was one of those who had long observed with great interest, and also with great admiration, the very able manner in which he had conducted the very important duties which devolved on him as Secretary of State for the Colonies—an ability and zeal which he could not but feel had not been sufficiently appreciated by the country. But on a question like this, it was additional matter of regret to be opposed to his noble Friend, because while he was in office, more had been done by him, in conjunction with Sir George Grey, for the improvement of our secondary punishments, than had been accomplished by any previous Administration; and among those improvements, for which he felt they were deeply indebted to that Administration, he knew of no single act more conducive to their success than the appointment of his gallant friend Colonel Jebb to the office then created by Government. He objected to the Motion of his noble Friend, because the form of it seemed to him to imply a greater approval than he was willing to bestow on the arrangements to which his Motion referred, for he believed them in some respects imperfect and defective. He objected to it still more since he had heard the noble Earl's speech, because he was in favour of a continuance of the system of transportation to a much greater extent than he believed to be desirable, or, in the present circumstances of the colonies, to be either politic or just. He had not much to say with respect to the very able speech of the noble Earl (the Earl of Aberdeen) below him, because in many points of it he agreed, and he had embodied in his Resolutions the principles on which he agreed with him and his noble Friend on the cross benches. He also was of opinion that for the graver offences, and to a limited extent, the punishment of transportation ought to be retained. He agreed, also, that many of the evils which formerly attended transportation had been much mitigated by the reformatory process of punishment which convicts underwent previous to their being sent out of the country. He also agreed with his noble Friend as to the necessity of the interference of Parliament upon this question; it was quite necessary there should be some alteration of the law, because transportation could not be carried out to the extent the law authorised; and that was an additional reason for his not concurring in the Motion of his noble Friend, because it seemed to him to point to an inconvenience which was not the real cause of the difficulty, and laid the blame not where he thought it was chiefly due. He believed the chief blame that attached to the present and to former Governments consisted in their not having duly availed themselves of the great mass of information which had resulted from a variety of successful experiments that had been made, and which might have enabled them to establish a system of secondary punishment equally applicable to the wants and requirements of our criminal law, and whether the convicts submitted to it were to be discharged in this country or in the colonies. His noble Friend seemed to think there was something unfair in his proposing these Resolutions as an amendment upon his Motion. He was aware that these Resolutions would have the effect, if adopted, of putting aside the Motion of his noble Friend; but that was the purpose for which he proposed them, and, as he had already stated, his object seemed to him to be one of greater importance than that contemplated in the address of his noble Friend; for he felt that if he should persuade the House and the Government to vote for his Resolutions, they would by that vote incur an obligation of immediately devoting their attention and inviting the attention of Parliament to some large and comprehensive measure for extending the means of secondary punishment in this country. There were one or two observations of his noble Friend which were partly answered by the noble Earl who had just sat down; and he did not know that he need further refer to them except to say, that if there was so great a danger as was supposed in discharging convicts who were, by his noble Friend's argument, so far reformed as to be fit and useful members of society in the colonies, what did his noble Friend say to that much larger number of convicts, equally criminal, who were discharged every day in this country after three or six months, or perhaps two years' imprisonment? He would now state the reasons why he thought it would be wise of the House to adopt some such Resolutions as he had proposed. What had been all along the great objections to transportation? His noble Friend had never once alluded to them. He seemed to take for granted that there were no authorities worth attending to, no opinions of any weight in that House, or in the country, that were opposed to transportation as a system. But the principal objection to it was one that he had often heard most ably urged in that House—namely, the demoralising effect of sending any great number of criminals, and turning them loose in a young colony; and when they considered the great and growing importance of our Australian Colonies, and the great political influence they were very likely to exercise over a large portion of the human race, it became doubly important to raise, instead of degrading the moral and social tone of that portion of the Empire. But it had also been held that transportation had no reformatory effect on the prisoners themselves. Under the old system there was certainly no reformatory influence exercised over them before they left home; and during the voyage nothing could exceed the disgraceful and painful state of intercourse between the convicts. On their arrival they were employed on the roads or public works, or taken into private service, unreformed and hardened criminals; and, whatever might be the truth of the statement quoted by the noble Earl, he was satisfied it must apply to a very limited number, who had been placed under most favourable circumstances, and who were remarkable exceptions. Certainly the evil was less when the number of convicts sent out bore a small proportion to the population; and he might say that he was by no means prepared to recommend the entire abolition of transportation; and he admitted that the system of sending out convicts with tickets of leave after imprisonment and penal labour in this country, was an excellent system. But he thought there should also be provided in the colonies prisons of a similar character to those which he thought there ought to be in this country, where a corrective influence should be applied to the prisoners, with the opportunity of relaxing the severity of the punishment, and combining with it labour that would be beneficial to their health, bodily and mental, and enabling them to undergo a long period of punishment. The next subject of his Resolution related to additional means of secondary punishment. This subject had absorbed a large measure of attention in this and other countries. If they went back to the time of Howard, and observed what he recommended, and what his disciples attempted to carry out at the end of the last and beginning of this century, they would see that his idea of secondary punishment very much accorded with the best modern notions of it. There were two great principles which he thought were laid down more or less clearly by all who had paid much attention to this subject. One was, that, in order to render punishment in any way reformatory or useful, there should be a separation of prisoner from prisoner; the other, that they should receive moral and religious instruction. It had been said that the legitimate object of punishment was to deter from crime; but he would rather say that its true object was the prevention of crime; and presently he would endeavour to prove that by a happy coincidence and by a discovery of one of those wise laws by which our Almighty Father governed mankind, the system which was most calculated to deter from crime was found to be also that which afforded the most favourable opportunity for the moral and religious improvement of the criminal. He knew it was difficult to make some persons believe, not the probability, but even the possibility, of effectually reforming convicts. Many statesmen, reformers of our institutions, and men who had had great experience in the treatment of criminals, were extremely slow to believe it: but that was not the opinion of the great and good man to whom he had already alluded. There were also other excellent and benevolent individuals, such as Mrs. Fry, Sarah Martin, and others, in our own times, who were of a contrary opinion, and who visited prisoners in some of the worst and least regulated prisons in this country, and whose visits had been received with feelings of gratitude, and with eminent success. It was in 1821 that the attention of Parliament was first called to this subject by Sir Robert Peel, who introduced an Act which long regulated our prison system. This enactment, though sound and good in some respects, nevertheless contained many faulty provisions. At a subsequent period public attention had been a great deal turned to those most important and interesting experiments which had been made in prison discipline in the United States, and a great mass of information had been collected, throwing a great deal of light upon the subject. In the Report of the Committee of their Lordships' House which was made in 1835, two important points were recommended—one was the abolition of the hulks, and the other was some special provision for that which did not then exist, and which now only existed to a very small extent—the establishment of some provision for the punishment and reformation of juvenile offenders. Another great improvement that had been recommended and adopted was the appointment of inspectors of prisons; and another the passing of an Act of Parliament to secure uniformity of prison discipline. In the same year, he believed, a very great accession of information was derived from the report of his late friend Mr. Crawford, who had been sent over expressly by the Government to inspect and report upon the prisons of North America, particularly with reference to the relative merits of the separate and the silent system. Mr. Crawford made a most able report upon the effects of the silent and separate systems; and that report entirely convinced him of the advantage of a strict system of separate confinement, of which he had ever since been the advocate. The result of the report was the establishment of the model prison at Pentonville, which was conducted on the separate system. What was the result of that experiment? It appeared from the reports of the Pentonville Commissioners, after a careful consideration of all the facts recorded by the different officers, that the operation of the system had been eminently conducive to the moral and religious improvement of the prisoners, while, at the same time, it exercised a most decidedly deterring effect on the population out of doors. The last report of the Commissioners stated that a joint consideration of the favourable and unfavourable circumstances seemed to demonstrate a most beneficial general result. He would read to the House an extract from the last report of the Commissioners, which was signed by the Earl of Devon, himself (the Earl of Chichester), Sir William Molesworth, and others. They said—

> "We conclude these general observations by a remark suggested by the joint consideration of the favourable and the unfavourable circumstances mentioned in these reports. These appear to us to demonstrate that while the discipline and instruction of Pentonville are not in all cases effectual in preventing the exiles from relapsing into crime when exposed to severe trials and demoralising influences, by far the greater portion of these persons have become useful and valuable servants, superior, as we are told, to the average of free labourers. We regard this view of the subject as highly encouraging; for it seems to prove that if this system were generally introduced, a large proportion of our convicts would be qualified, on their discharge, to occupy an honest position in their own or in any other country, And, if so, we believe that under ordinary circumstances there would seldom be wanting motives of self-interest and benevolence which would induce persons to afford them that employment which will enable them to become useful and exemplary members of society."

The great difficulty with respect to the convicts sent out to the colonies was the means of conveying to them adequate religious instruction and influence. When a prisoner, on the other hand, was discharged at home, the governor and chaplain of the gaol knew where he was going to—he was watched by those who knew him—and whether he went to his own village, or to some other, he was almost sure to be kindly treated by the clergyman of the parish, and to be brought under the continued operation of those religious influences to which he was subjected while in prison, and which were the great safeguard against his relapsing into crime. The Commissioners, in their report, add—It seemed the most difficult thing in the world to convince persons that the reformation of convicts was possible; but the reports which were made upon the conduct of the prisoners sent out from Pentonville to the colonies were almost uniformly satisfactory, except in the case where the men had been mixed with other convicts. The same system was pursued in other prisons; and the chaplains of Wakefield and Portland prisoners, and the surgeon superintendents who had charge of the prisoners on their voyages out to the colonies, agreed in reporting that the greater part of the convicts who had undergone the discipline of separate confinement, accompanied by religious instruction, were far better than the ordinary class of emigrants, and were in fact examples of good conduct. He had seen a letter from a surgeon in the East India Company's service, who, having had occasion to visit Van Diemen's Land for his health, had, at the request of his friend, the chaplain of one of our prisons, inquired into the conduct of a certain number of convicts who, having passed through that prison, and the public works at Portland, and having been transported to that colony, now held tickets of leave there. Out of a list of more than ninety prisoners, this gentleman found upon inquiry that only six had turned out positively ill; some of the others were only "middling;" but the rest were going on exceedingly well, and some of them behaved in a most exemplary manner. He (the Earl of Chichester) could mention numerous instances of equally complete reformation in this country. The noble Earl (Earl Grey) who had brought forward this Motion had referred to the demoralising influence exercised by returned convicts in the neighbourhoods in which they settled. But these were men who had been under the old system, and had never been subjected to the reformatory influences which were at present employed. With regard to the reformation of offenders, he might also refer their Lordships to the success which had attended the institutions established for their treatment at Mettray, and other establishments, one of them in the neighbourhood of Rouen. He had himself visited, and had been exceedingly pleased with the conduct and demeanour of the inmates; and upon inquiring of the persons in the neighbourhood what became of them after they left the establishment, he learned that they had no difficulty in finding employment, as they were considered to be better behaved than the rest of the population. To return, however, again to the case of the transported convicts, he might refer to a letter which he had recently seen, from a gentleman in Van Diemen's Land, who had a good deal to do with the ticket-of-leave men, who were sent out after passing through Pentonville or other similar prisons, and subsequently through Portland; he wrote most favourably with respect to them, and stated, indeed, that their conduct would stand comparison with that of any of the working classes. These things proved not only that these men were capable of reformation, but that the particular system under which reformatory means were now applied, first in our separate prisons, and subsequently at the public works at Portland, was eminently calculated to produce the desired effect. With such evidence before us, he contended that the problem of secondary punishments was no longer a difficult one. We had clearly only to extend those institutions, and the operation of that system which already existed. We might, indeed, be called upon to furnish large funds for the erection of additional prisons; but the system on which they should be conducted had, he believed, been settled by the eminently successful experiments to which he had referred. In further evidence of the satisfactory effect of the separate system as carried out in England, he might refer to the opinion in its favour of a distinguished medical gentleman from Boston. This gentleman told him (the Earl of Chichester) that he had been all his life writing and speaking against the separate system as it was then carried out in America, believing it to be inconsistent with physical and mental health; but he added that the regulations of Pentonville met every one of his objections. In fact, the separate system had been modified in America, and was now in accordance with that pursued in our prisons. What was wanted was, he repeated, such an extension of our present prison system as would enable us to meet the difficulties which were attendant upon carrying out transportation to the extent which had hitherto been the case. That extension was desirable not only in order to meet these difficulties, but because the system itself had been found effective as a secondary punishment both in deterring from crime, and in reforming offenders, and whether followed or not by transportation. He quite admitted, however, that it was desirable that there should be some alteration in the law, for it was most undesirable that there should be any doubt as to whether the sentence which was passed upon a criminal would be carried out. He, however, mainly desired that the attention of the Government and of the Parliament should be directed to the necessity of immediately extending the means of secondary punishments, and thus relieving the public anxiety upon the subject. The noble Earl concluded by moving an Amendment as follows:—

"To leave out from 'That' to the end of the Motion, for the purpose of inserting, 'Whilst in the opinion of this House it is expedient to retain the punishment of transportation for some of the graver offences against the law, it has become necessary to restrict such transportation to a few only of the Colonies, and to places which, from their limited extent or population, are at present incapable, without prejudice to their own social condition, of affording employment to any considerable number of discharged convicts.

"'That it has, therefore, become the duty of Parliament to adopt immediate measures for providing increased means of secondary punishment in this country.

"'That such secondary punishment ought to be both in kind and duration sufficiently penal to exercise as deterring an influence as the punishment of transportation, and at the same time of so reformatory a character as to afford a reasonable hope that the convicts who undergo it will, on their discharge, become useful members of society, and qualified to obtain employment either in this country or in the Colonies.'"

The EARL of DERBY said, the noble Earl who had just moved the Amendment had entered into a very clear and detailed statement of the course which Parliament had pursued during the last few years with regard to the subject of secondary punishments. He had also favoured the House with a statement of his own views on that important subject, and he was sure every one would admit that no person was better qualified than the noble Earl to speak on the question of transportation, and on the whole subject of secondary punishments generally. But he hoped the noble Earl would forgive him if he said, that in the greater portion of his speech he had completely given the go-by to the subject under discussion, for the Amendment he had proposed gave the go-by to the Motion of the noble Earl on the cross-benches (Earl Grey). He could not, for his own part, see that the Motion of the noble Earl on the cross-benches, and the Amendment of the noble Earl (the Earl of Chichester), had more than a very slight relation to each other, insomuch that he could see no reason why any one who agreed with the Amendment should not agree also to support the Motion. He was anxious, therefore, to say a few words, not presuming to enter upon the large and general question of secondary punishments, upon which he was incompetent to speak with authority, but to state the reasons why, if the noble Earl (Earl Grey) pressed his Motion to a division, he would see it his duty to give that Motion his support, without giving an opinion either for or against the merits of the Amendment. The noble Earl at the head of the Government had told them that up to the present moment this question of transportation had always been considered by their Lordships entirely without reference to party and political considerations. In that statement he most readily concurred, and he was happy to say that he saw no appearance of a departure from that general and salutary rule on the present occasion. He thought that if the noble Earl looked at the state of the House, he would not see any indication of a great political or party movement, and still less would he see any great probability of one of those sudden and unexpected combinations which sometimes took place, as there was not much likelihood of a very effective or permanent combination between the noble Earl (Earl Grey) and his friends, and those who sat on the Opposition side of the House. Much as he respected the abilities and eloquence of the noble Earl, he and the noble Earl had had a rather long course of political opposition to each other, and there were so many subjects on which their views were altogether at variance—and even with regard to this question of transportation, that he did not think the mere fact of his agreeing with him as to the substance of his present Motion should lead to the inference that upon this question he was about to act in variance from the principle which the noble Earl at the head of the Government said had always hitherto been adhered to—of separating it from party feeling. In truth, there was no political or party interest involved, except any interest in the opinion the noble Earl on the cross-benches had intimated, that the course pursued by the Government with which he (the Earl of Derby) was connected, was more prudent and discriminating than the course pursued by the present Government; and he trusted the noble Earl at the head of the Government would think that there was nothing unnatural or unreasonable in his concurring in that opinion with the noble Earl, and in their noting their mutual approbation of the course which the Government with which he (the Earl of Derby) was connected pursued. He had heard with great satisfaction one statement that was made by the noble Earl at the head of the Government—that it was by no means the intention of the Government to discontinue or abolish altogether the system of transportation.

He heard that announcement with great pleasure, for it relieved his mind from much anxiety caused by something of a different tendency that was uttered by the noble Duke the Secretary for the Colonies, because that noble Duke went so far as to say, that not only was transportation to Van Diemen's Land to be brought to an absolute stop, but that it was impossible not to see that the portions of the colonies that would consent to receive convicts would be few in number, and that with regard to Western Australia—the only colony in that quarter now willing to take convicts—it would be only available for a short time, and to a limited extent. The impression produced on his mind, and he was sure on that of their Lordships, by these statements was, that the Government had come to the conviction that, as a portion of our system of criminal punishments, transportation was at no distant period to be discontinued, not only with regard to Van Diemen's Land, but that altogether it was to cease to form a portion of our penal system. He had heard, therefore, with satisfaction the explicit declaration of the noble Earl that that was not the intention of the Government, and that they still intended to retain as a portion—and an effectual portion—of our criminal code the punishment of transportation. He had also heard with much satisfaction two other declarations on the part of the noble Earl at the head of the Government: first, that it would be necessary, in his opinion, while we continued the punishment of transportation, to limit it within narrower bounds than hitherto, or than it now theoretically presented itself; and, in the second place, that he was of opinion that changes in the law were imperatively called for, by which the pnnishment of transportation should be nominally, as it was really, confined to a smaller number of offences; and that in the case of all persons sentenced to transportation, it should be distinctly understood that the sentence of transportation would really and truly be carried into effect. He had felt for many years of how great importance it was that persons in the position of criminals, whether they had been convicted or not, should be well assured of the certainty of the punishment that awaited them, and that the penalty attached to their crimes was not announced as mere *brutum fulmen*, but that when pronounced against them it would really be carried into effect. He agreed with the noble Earl, that there was a considerable number of offences to which transportation was now applied by law, but in which in very rare instances it was carried out; and he believed that a diminution of the number of offences to which it was thus nominally applied would materially diminish the difficulties which surrounded the question, and give greater certainty to the administration of the law. The speech of the noble Earl who had just sat down went much further than his Amendment would have induced him to suppose he desired to go in discountenancing and disparaging the practical advantages which were derived from the system of transportation in comparison with other systems of secondary punishment, to which he attached exclusive importance. The noble Earl seemed to be of opinion that transportation was a punishment which ought to be confined to those who were absolutely irreclaimable, and that the reformatory system should be applied as an instrument of secondary punishment in this country. But he (the Earl of Derby) would humbly express his opinion that, with regard to a considerable number of convicts, after a system of reformatory discipline had been applied here, there was much greater chance of their permanent amendment in life through the medium of transportation than from the best effects of the reformatory system in this country, to be followed by a return to their former associates, their former habits, and their former mode of life. It was not because he doubted the efficiency of the reformatory discipline, but because physical circumstances in the one case were much more favourable than in the other, and better adapted to the development of any good that might be in a man, and to the repression of evil habits that otherwise might be repressed for a time, but which would be in danger of breaking out again, on the return to former scenes. So far, therefore, from wishing to restrict transportation solely to those with regard to whom no hope of reform could be entertained—still less to the most aggravated cases—he thought there was a class of persons to whom, after the reformatory system had been pursued in this country, transportation to the colonies might be of signal advantage—not to themselves only, but—what was by no means a secondary question—with advantage to the community to whom they were sent. He was desirous to limit the amount of transportation by withdrawing from it some of those offences to which he had already alluded:

but, at the same time, he was not persuaded that transportation to a very considerable extent might not be available as a most useful penal sequence to a reformatory system of punishment, and that it might not be advantageous both to the person himself and to the society that received him. On the other hand, he must say, with regard to Van Diemen's Land, that he thought the feeling in the colony had been so great, and was so rapidly increasing upon this question, that the time had arrived when they should be looking to the total discontinuance of transportation to that colony. He could not agree with the noble Earl (Earl Grey) in what he said as to the causes of that feeling. It might have been encouraged by the countenance given in this country to the notion that a convict colony must necessarily be a depraved colony. He thought that was an erroneous supposition; but, from whatever cause the feeling had arisen, it was so strongly fixed in the minds of the people of Van Diemen's Land, that, while he would not say they had not the right—while he would not say they had not the power—he would question the policy of continuing for any long period to send convicts to that colony. He thought, therefore, that the time was not far distant when transportation to that colony must cease. They had given to Van Diemen's Land a Legislative Council—an independent organ of its own—and from the period you granted them that Legislative Council you must regard it as a legislative body which represented the interests of the colony, and as the organ for expressing the feelings and sentiments of the colonists. Though he did not place so high as the noble Earl had in some cases done in practice the right of the mother country by her own authority to overbear the feelings and even the strong determination on the part of the colonists, he still did not question the right; but yet, when so strong a feeling pervaded the whole colony on such a subject as that of the admission of convicts, he thought it would be most unwise to incur the risk of repeating in Van Diemen's Land the scenes they had witnessed with great regret in other colonies on this very subject. Therefore, he thought they were bound to look to a discontinuance of transportation to Van Diemen's Land as absolutely necessary. Consequently, the field of their operations, and the field that would still be available for the exercise of the punishment of transportation, would be limited to an extent that would be matter of inconvenience; and he regretted also that it would greatly diminish a large portion of the exercise of the reformatory principle that had been applied to convicts. Being of that opinion, and seeing that the field available for transportation would be subsequently narrowed, and thinking it necessary and incumbent on them to make immediate preparation for the contingencies that were likely to occur, he did not the less concur with the noble Earl on the cross benches (Earl Grey) in expressing regret at the precipitate manner in which the Government had given effect to their intentions in a matter which required much gravity and deliberation, and which he thought would have been much more safely, if more gradually carried into effect —intentions which, undoubtedly, he and his Colleagues entertained, and fully intended to carry out, but the full execution of which they were disposed to postpone till they had made those arrangements that were necessary to carry them with judgment into effect. He was far from denying to the Government that which the noble Earl opposite claimed for them, that in what they had done they by no means intended to pass over the legal and constitutional rights of the Legislature—that they had taken no steps which infringed on the rights of Parliament, or which went beyond the limits of that discretion that was vested in them as the advisers of the Crown; but, on the other hand, if they had taken no actual step—if they had not overthrown a state of things that had been sanctioned by Parliament after much deliberation—they had at least taken a step that rendered the alteration of that system inevitable, without at the same time giving Parliament the opportunity to examine, or themselves very clearly having before them, the full details of the plan by which they intended to supersede the great machinery now in use. It would be on every account undesirable to enter into any detail of what were the views or intentions of the late Government on this subject; but they would, undoubtedly, not have desired to carry out their views upon this question unless they had seen before them a mode which would have enabled them to come to a satisfactory conclusion regarding it. They did not undervalue the importance of the subject. They did not think it was possible that a change could be immediately carried into effect, and they advised the paragraph in the Queen's Speech to intimate to the people of Van Diemen's Land their willingness to meet their desires, and at the same time to indicate that the views of the Government must receive the sanction of Parliament before they took upon themselves to effect so great a change as to stop transportation to Van Diemen's Land. What had been stated by the noble Earl on this and former occasions as to the readiness of individuals to receive the convicts that were sent out, led him to think that a desire to meet the circumstances of the colonies, by making an alteration in the laws applicable to our own criminal code, would have been met by the colonists in a friendly spirit—that that assurance would have conciliated the colonies on the ground of principle, and to the continuance to a limited extent of the transportation of a description of convicts whose removal would have been a relief to this country; while their disposal in Van Diemen's Land would have been satisfactory to the colonists. There was no subject on which it was more important that Parliament and the Government should avoid hasty and ill-considered changes than on this very system; and there was no question in which, acting on the impulse of the moment and the information of the moment, Parliament and the Government had sanctioned more sudden changes than on this question, and with more disastrous results. He could not but think, going back to a very considerable period, that chiefly through the instrumentality of a Committee of the House of Commons, Parliament took a very hasty step in deciding definitively and absolutely against the system of assignment of convicts. The arguments against that system were, no doubt, very strong; the prejudices against it were still stronger; and men whose opinions were of great weight gave the influence of their names and authority, not to an amendment of a vicious system, which was yet capable of being amended, but to the absolute condemnation of a system which, with all its theoretical faults, all the inequality of sentences, as between one individual and another, yet really did more, and, if properly managed, was capable of doing more, in the way of reclaiming convicts and restoring them to the habits and decencies of social life, than any other system which deprived the convicts of all social intercourse with those who were uncontaminated with crime. He thought that was the first error committed on this subject. The next step was one which bore an ominous analogy to the step

The Earl of Derby

now unfortunately taken by Government. He alluded to the declaration of Lord John Russell in 1840, that from that time transportation to the greatest of the Australian colonies should cease. The result of that sudden change, unaccompanied by any preparation for meeting the vast increase that would be thrown on a single spot, was to throw the whole transportation into the single island of Van Diemen's Land, which then possessed but a small amount of free population. The noble Earl at the head of the Government was in error in supposing that the system called the "gang" system was introduced by him (the Earl of Derby). When he took office in the Colonial Department he found it had been introduced by his predecessor, Lord John Russell—or rather he had laid down some general regulations for the purpose of carrying out his declaration of 1840, though no machinery for carrying it into effect had been framed. It was his (the Earl of Derby's) duty, in conjunction with the right hon. Gentleman who was now at the head of the Admiralty, (Sir James Graham), to bring into shape, with great pains and labour, and with the assistance of a valuable officer in the Colonial Office, Mr. Montague, the system of gangs of which the outline had been left by his predecessor. He did not think, notwithstanding the difficulties which this sudden influx of convicts into Van Diemen's Land caused, but that the system would have worked beneficially and advantageously if it had not been for two other events which concurred with this sudden influx of convicts, with the worst of all preparation to meet it. The first of these was the resolution of the House of Commons, taken precisely at the same time that Parliament stopped transportation to New South Wales, which deprived them of the other source of disposing of convicts by imprisoning them in the hulks—the resolution that persons sentenced to transportation should be actually transported. The other circumstance was the great commercial distress which, in 1844, fell upon the Australian colonies, and especially upon Van Diemen's Land. The system, however, had not been established—it had not been brought to bear, when at once transportation ceased to New South Wales, and the consequence was, that an enormous influx of convicts was thrown into Van Diemen's Land. The result of these combined causes was, that persons who went from this country to the colony could no longer find the means of employment there; and the men entitled to conditional pardon were thrown back upon the Government works, and were placed in a worse condition than those who were not so much entitled to favour. It was then thought desirable to establish a new penal colony in the northern parts of Australia; and it was proposed to establish there a system of transportation on a moderate scale—not to make it so much a place for transportation as to make it a place of refuge, where convicts who had gone through their period of punishment might remain under Government surveillance, but being otherwise free men. This system was taken up and adhered to by his right hon. Friend the present Chancellor of the Exchequer during the short period that he held the seals of the Colonial Office. But, again, he was sure the noble Earl on the cross benches (Earl Grey) would forgive him for saying again he thought there was a perceptible change. The noble Earl had not been in office many weeks—he believed not many days—when he put a sudden and immediate stop to the formation of this new colony, and signified his intention not only to suspend transportation, but to discontinue, according to the view which he entertained—and with regard to which he must do the noble Earl the justice to say there had been much and great misrepresentation—to discontinue transportation altogether. He thought now, however, that the noble Earl was fully justified as to the principle of his plan, by the results which had taken place. The noble Earl went on the principle that the reformatory system, combined with transportation, could be better carried on in this country, and under the eye of the Government, than it could be in a distant colony. The working of that system did credit to the noble Earl's sagacity and prudence. It had worked, upon the whole, very well; it might be capable of amendment, but he knew that, in many cases, it had produced striking and remarkable reforms. Now, after pointing out to their Lordships these three or four instances of important and sudden changes that had been made, and all of them carried out at great inconvenience, caused by their suddenness, he could not but regret that Her Majesty's Government should now have added one more instance of sudden change and alteration, producing an impression upon the public mind that the alteration would be greater than was actually contemplated. He contended that they ought not to abandon one system till they had a substitute provided. He would not dwell on the individual injustice that might have been done, for he was sure the Government would do all in their power to diminish the amount of that injustice in the case of those whose time of conditional pardon had already arrived. He must remind their Lordships that when the present system was introduced by the noble Earl, he pointed out to him that he was only postponing the evil day, and delaying the period when a pressure would come upon them—when the convicts, having gone through the preliminary trial, would be entitled to be sent to the colonies. He asked the noble Earl if that period had not arrived? It would be necessary for the Government to apply the utmost diligence to mature a plan for the discontinuance of transportation to Van Diemen's Land. With respect to the general views enunciated by the noble Earl at the head of the Government, he had little fault to find with them; indeed, he concurred in much that had fallen from him. In preparing the details of their plan, the Government would have an opportunity of consulting the same able and intelligent officers as were consulted by the late Government; and from some expressions which fell from the noble Earl, he inferred that there would not be much difference ultimately between the views of the present and the late Government as to the objects to be attained—namely, limiting the amount of transportation, and defining more minutely the offences to which, not only by law, but by practice, the punishment of transportation was to be applied. It would also be necessary to provide out of this country, and at some distance from it, some locality in the nature of a prison for those persons, with respect to whom there was little or no hope of amendment. Persons of this description should not be turned loose in a colony to contaminate society, but should rather be sentenced to imprisonment, even for life, not imprisonment within the walls of a prison, but within a narrow space, and under the close surveillance of the Government. This punishment would, practically, be a substitute for transportation. Seeing that the difference between himself and the present Government on this question appeared to be narrowed to almost a single point, he must confess it was with regret he had seen the Government take a course which was inexpedient and inconvenient, and was likely to involve themselves and the country in difficulties and embarrassments, and which, besides, had the appearance of being adopted in deference to the popular clamour raised against transportation in Van Diemen's Land. It was to be regretted that this course had been taken before the Government had matured and laid before Parliament a plan, by which they intended to work out this large alteration in the system of secondary punishment. He complained that Parliament should have taken this irrevocable step before Parliament had had an opportunity of consulting with and advising the Government with respect to the system to be substituted for transportation, which ultimately they must be called upon to do. The question would be more likely to be satisfactorily settled by a measure adopted after due consideration and with the acquiescence of Parliament. He concurred with the noble Earl (Earl Grey) in thinking that the Government had acted imprudently and hastily; and he was willing to signify that opinion; but he was not desirous of serving any party purpose or casting any slur or censure on the Government. Having given this explanation of his motives, he should feel compelled to vote for the Motion.

The DUKE of NEWCASTLE said, the speech of the noble Earl, distinguished as it was by great moderation of tone, must have removed the impression, if any such impression prevailed, that party motives influenced the discussion of the important subject of transportation. The noble Earl had expressed his intention of voting with the noble Earl who had brought forward this Motion, principally because of the approbation the noble Earl (Earl Grey) had expressed of the course which it was the intention of his (the Earl of Derby's) Government to pursue. The noble Earl, at the same time, said he would abstain from stating what that course was, because he thought it was unnecessary to do so; but he could assure the noble Earl he had only been able to obtain a knowledge of his intention from the not very definite words in the Queen's Speech, and the certainly not more definite words in the speech of his noble predecessor in office. Passing from the reason why he voted for the Motion, the noble Earl proceeded to express a mitigated disapproval of the course which Her Majesty's Government had taken in this matter. He said mitigated disapproval, because the noble Earl had abstained from the indignant tone which characterised the speech of the noble Earl who brought forward this Motion, who told them it was distinctly in violation of an Act of Parliament.

EARL GREY said, that he said expressly it was not a violation of the letter but of the spirit of the law.

The DUKE of NEWCASTLE utterly denied that the present Government had done anything violating either the letter or spirit of the law. They had acted on the power which the Crown had invariably exercised, of deciding, by Orders in Council, to which of our colonies transportation should take place, and if in any instance it should be discontinued; and the noble Earl (Earl Grey) must be cognisant that on more than one occasion an Order of Council making a colony a convict colony had been repealed—had been reissued, and again repealed. It was not unimportant to consider for a moment how transportation had been carried out by former Governments. For a great many years sentences of seven years' transportation had never been carried out at all. Convicts sentenced to seven years' transportation were sent to the hulks, and at the expiration of two or three years released and sent to their homes. That was the way the responsible Ministers of the Crown had acted. But, more than that, they had not only taken upon themselves to mitigate punishments inflicted by the Judges, but to increase them. Since the judicious alteration introduced by the noble Earl abolishing the system of the hulks, persons sentenced to seven years' transportation were kept one year in separate confinement, a year and a half on public works, and afterwards transported to the colonies. The effect of the alteration, for which the noble Earl was mainly responsible, was, that persons sentenced to seven years' transportation had practically been transported for life. The noble Earl stared, but that had been the practical effect; for during the time the noble Earl was Colonial Secretary, he made no arrangement for bringing back those sent to the colonies for the completion of their sentence of seven years' transportation. But what had the present Government done? The only step they had taken was in strict accordance with all preceding practice; they had added one more to those colonies which had been emancipated from the convict system; they had done, with respect to Van Diemen's Land, what their predecessors had done in the cases of New South Wales and the other Australian Colonies.

The noble Earl had reverted to those observations which he made on a previous occasion, when he said he believed the cry of anti-transportation in Van Diemen's Land was a weak one, and the character of the opposition to it a sham. He felt it due to the colonists of Van Diemen's Land, who had appealed to Parliament and the country to relieve them from what they felt to be an intolerable grievance, to state he held in his hand a catalogue of a number of petitions which came over by the last mail, and which either had been, or were about to be, presented to the other House. It appeared that these petitions, whatever might be the case with others, were not signed by persons likely to be actuated solely by selfish motives. They were forty-two in number, and came from the religious congregations throughout that island; not from one religious congregation, but he might say from all. There were nineteen from Episcopal bodies, eight from Presbyterians, seven from Wesleyans, two from Baptists, two from Congregational, one from a Free Church, one from an Independent, one from a Roman Catholic, and one from a Jewish body; and they were signed by each individual clergyman or minister, by the churchwardens and others, testifying to the fullest extent to the influence and respectability of those whose names were appended. He could not but think that if this were a sham, parties like these would not be participators in it. The same views were expressed in the petition presented by the most rev. Prelate a few evenings ago; and he would not trouble their Lordships by reading any extracts from another petition from 2,340 gentlemen, agreed to at a public meeting, to the same effect. The noble Earl had on a previous, if not on this, occasion, referred to the agitation being different from the agitation in our North American colonies, when they threw the tea proposed to be taxed into the harbour; whereas in Van Diemen's Land they gladly received the convicts sent to them. In the first place, to carry out his theory, the noble Earl must prove that the majority of the people of Van Diemen's Land, who had protested against the practice, were insincere, and that it was not a comparatively small minority who were anxious to have convicts sent out. The colonists objected to these convicts being sent to them, not merely upon moral but upon financial grounds—that whilst it was continued they were prevented providing for themselves that amount of free labour which was necessary for their future welfare. There was a time when 2,000 or 3,000 convicts would be waiting for a whole year at Hobart Town; but now, however, they were hired as soon as they arrived. The scarcity of free labour, which, whether rightly or wrongly, the colonists assigned to the continuance of transportation, offered the greatest temptation to the minority to adopt a course which many might not believe to be morally wrong, but ultimately prejudicial to the colony. With the present high prices there of wheat and flour, it was natural they should supply the demand for labour without asking where it came from; but that was no reason why the noble Earl should draw a conclusion unfavourable to the sincerity of the colonists who opposed transportation. The noble Earl, it seemed to him, had cut away from under him the ground on which he would continue transportation to Van Diemen's Land; for he could quote to him two pages in his own book, giving a history of the colonial policy under Lord John Russell's Administration, in which, in the broadest and clearest terms, the noble Earl himself laid down the maxim, "that the voice of the representatives alone ought to be the guide as regarded convict establishments." He entirely concurred with him; and the Legislative Assembly of Van Diemen's Land had unanimously, as regarded the elective members, pronounced against the present system, and called on the Government to do by Van Diemen's Land what they had previously done by New South Wales. Whilst on this subject, he might refer also to the general principle laid down by the noble Earl (the Earl of Derby) in his despatch in 1842, when he objected to give a representative constitution to Van Diemen's Land, on the express ground that if it were given, it would be impossible to maintain the system of transportation. That was the sound and statesmanlike view taken by the noble Earl in 1842, and he believed it was borne out bv all experience since. He (the Duke of Newcastle) believed that if you intended to continue transportation for any time to a colony, you ought not to give it representative institutions, because he was convinced that representative institutions and the convict system were totally and entirely incompatible with one another. That was not all with regard to the colonial aspect of this question. Even if they had the moral right to continue transportation to Van Diemen's Land, were not other colonies affected by the continuance of that system? His noble Friend the President of the Council had on a former occasion referred to two colonial Acts of a very stringent and very extraordinary character, and he thought those Acts showed what Australia and New South Wales felt as to the influx of convicts into those colonies. There was no vain imagining on their part. Since the discoveries of gold, the temptation had been so great that the number of convicts absconding had much increased. He held in his hand a return, which did not include any men having tickets of leave, nor a considerable number who were absent from the half-yearly muster, and were supposed to have left the colonies, nor the still greater number who went to the diggings and returned to the muster: but, nevertheless, for the first nine months of 1852, no less than 1,413 convicts had absconded from their employment in order to go to the gold diggings, and of that number 738 had been brought back, leaving the rest to be mixed with the uncontaminated free population, to say nothing of the additional demoralisation of the 738 by the further punishment they would have to undergo. He would not dwell any longer on that part of the subject, but he thought it right to state the reasons which had influenced Her Majesty's Government in coming to the determination at once to put a stop to transportation to Van Diemen's Land; and he could not better explain it than by reading a portion of the despatch he addressed to the Lieutenant Governor as soon as the decision of Her Majesty's present Ministers had been come to. After stating general concurrence in the views taken by Her Majesty's late Government as to the necessity of abandoning transportation to Van Diemen's Land, and after stating that Her Majesty's present Government had carefully considered the subject in all its bearings, the despatch proceeded—

> "Considering that there will be much inconvenience in continuing to Van Diemen's Land, for a short but indefinite term, a system avowedly condemned for the future, by which course all social arrangements must be kept in an unsettled state; knowing also that a majority of the inhabitants of Van Diemen's Land, and almost the whole population of Australia, whose interests are deeply involved, are in favour of its discontinuance, and that the altered circumstances of Australia have wholly changed its penal character, Her Majesty's Government have come to the resolution at once to put an end to transportation to Van Diemen's Land."

When it was once decided by the late Government, and naturally acquiesced in by the present Government, that transportation to Van Diemen's Land ought to cease, Her Majesty's Ministers felt that unless they were justified by great necessity at home, it was incumbent on them not to keep the colony in suspense; and there was the more reason for this, because the promise was of that indefinite character, that while some supposed it was intended to continue transportation for perhaps five years to come, others believed the colony would be immediately relieved from the grievance against which they had for years been struggling. The despatch of his right hon. predecessor (Sir John Pakington) stated that transportation would be brought to a close as soon as arrangements could be made; and the noble Earl opposite, and the noble Earl who had brought forward this Motion, had accused them of making this change before arrangements were made. If it were meant that they had not introduced Bills into this House for the purpose of making those alterations in the criminal law, and those changes in secondary punishments, in which it seemed the noble Earl pretty much concurred with Her Majesty's Ministers, undoubtedly those arrangements had not been made; but if it were meant that no accommodation had been provided for any extra number of convicts which might be expected in this country, in consequence of the impossibility of sending out the whole that were transported to Western Australia, which had hitherto been divided between Western Australia and Van Diemen's Land, then he would tell the noble Earl such was not the case, and that before this step was taken—before the despatch, a portion of which he had read, was written—Her Majesty's Ministers instituted careful inquiries, and came to the conclusion that it was not only practical and feasible, but that it could be done without any inconvenience whatever, and without any crowding of prisoners, or any alteration of that system of prison discipline which had hitherto worked so well. If the noble Earl wished to know where this additional accommodation was to be found, he would state that it was proposed to remove 200 of the female convicts now in Millbank to the prison at Brixton, which would accommodate 700 persons. The removal of those 200, and other alterations in the prison at Millbank, would give accommodation for 400 additional prisoners. Besides that, 500 additional prisoners could be accommodated at Portland, which would be the full amount likely to be required; but in addition to which, accommodation could be procured for 1,000 more, by an arrangement in contemplation. He could see neither justice nor reason in the argument of the noble Earl, that because the Australian Colonies were originally founded by convicts, the mother country had an indefeasible right to send convicts there as long as it suited her convenience. Surely, as soon as a colony obtained a position in which convict labour was no longer useful, but absolutely prejudicial, they had no right to force upon them a continuance of the system. To the other argument, that they had acquired the right, because they had spent so many hundreds of thousands of pounds in sending and maintaining convicts in Australia—it was a low view to make this a mere ledger account; but even if we took this low view, his answer was that he believed they were amply compensated already, and would be still more so in the future, by the prosperity of those colonies, even though Government should cease to have the advantage of sending convicts to them; and he said, if that were the case, it was to their own interest to study the comfort and well-being of that part of the Empire, by putting an end to the system of transportation to which such grave objections were made. It was hardly right to argue, as the noble Earl had done, as to what their Lordships desired for the colonies, and to suppose that they were the best judges of the interest of the colonies. How could their Lordships, sitting in that House, so far distant from the colonies in question, suppose that they were so well able to judge as those who had the opportunity of forming their opinions from personal experience of the effects of the system against which they protested? His noble and learned Friend near him (Lord Campbell) had on more than one occasion expressed his opinion as a Judge, of the importance of continuing the system of transportation, from having seen the effect produced on criminals when sentenced to that punishment—an effect far greater than by any other punishment. But with great respect for the noble and learned Lord, he attached more importance to the testimony of the governors and chaplains of gaols, who necessarily saw more of the prison effects produced upon criminals by the sentence of transportation. His noble and learned Friend, when passing sentence of transportation, must know that in reality he was not sentencing the man to be sent out of the country; and assuming that culprits really did know the exact period and meaning of their sentence, how did his noble and learned Friend know that the effect he had noticed was not produced by the prospect of the two years and a half probation before transportation? But supposing that were not so, he would ask his noble and learned Friend whether he did not think that, in all probability, if Australia, with its gold fields, made such an impression on the minds of criminals, Pentonville, Portland, and Dartmoor would produce the same effect with the seclusion of the one, and the forced labour of the others? It had been stated, that the whole of the evidence before the Committee, presided over by his noble and learned Friend (Lord Brougham), was in favour of a continuance of transportation; but, on careful examination, he did not find that any general and sweeping opinion in favour of a continuance of transportation had been declared. The evidence rather seemed to show its applicability to particular crimes and particular criminals—such as the receivers of stolen goods. Although it was not the intention of Her Majesty's Government to abandon transportation altogether, as had been represented, but simply to abandon all except Western Australia, to forbear sending to Moreton Bay, or other colonies, and to abandon Van Diemen's Land, yet inasmuch as the abandonment of transportation to Van Diemen's Land must entail an alteration of the law, and a reduction of the number of crimes for which henceforward sentences of transportation would be passed, he thought it desirable to disabuse the minds of their Lordships as to the effects of transportation, and as to the effects which this limited abandonment of it was likely to produce on the criminal population, and the security of life and property. Upon analysing the evidence taken before the Committee to which he had referred, he found the late Recorder of London, Mr. Law, expressed an opinion in favour of transportation, solely in relation to the receivers of stolen goods. Mr. Davenport Hill, the Recorder of Birmingham, than whom no man was better able to form an opinion on such a subject, held exactly the same view. The Rev. John Clay, the chaplain of Preston house of correction, who had supplied

many valuable statistics as regarded crime and criminals in this country, said that transportation was dreaded chiefly by old men and women, and not by other classes. The Rev. J. Peile, chaplain of Reading gaol, said the dread of transportation was not great among the lower class of criminals; and the Rev. Mr. Osborn, chaplain of the house of correction at Bath, was of the same opinion. Here he had given from their Lordships' own blue book, which contained much most valuable information, the general tendency of which he admitted was in favour of the continuance of transportation—opinions which proved that it was suited to a certain class, and not for the general bulk of criminals. It was, in fact, mainly applicable to that class which was described in the evidence before the Committee by the rather strange and anomalous title of "respectable criminals." He was, of course, ready to pay every kind of deference to the opinions of a Committee of their Lordships' House on such a subject; but he certainly felt justified in remarking that six years had now passed away since this investigation was made. That, it was true, might be but a short time; nevertheless, in the course of it, great and important changes had been effected of considerable weight in the consideration of this question. It was impossible to read the ten conclusions of the Committee without being impressed with the fact that great changes had taken place—changes so material as to render them, under present circumstances, almost inapplicable. Among these changes he included the effect of emigration upon the rural population. Was there one of their Lordships who did not know that not six, but only three years ago, there was not a labouring family in any parish who would listen to the suggestion of emigration? or who, if he did, would think of going further than Canada? The greatest possible objection, especially on the side of females, was manifested against emigration; and even where the population was most redundant, it required all the exertions of the landlord and the clergyman to persuade the people of its benefits. But was that the case now? So far from its being the case now, there was actually a difficulty in retaining the labouring population in many country parishes. Salt water was no longer dreaded as it used to be; and so far from emigration being a terror to them, the labouring population now looked upon it as an advantage to which they aspired, and to attain which they were constantly asking for assistance. Had not this change operated most materially to affect the question of transportation? Besides, since the Report of their Lordships' Committee, the evils which at that time attached to imprisonment had, to a great extent, been mitigated. Prison discipline had been greatly improved; new methods of dealing with juvenile offenders had been adopted; Parkhurst had been put into operation; industrial schools had been established; the education of those classes which usually swelled the numbers of the criminal population had been improved; and he hoped the improvement would go on increasing. But what were they afraid of, as regarded the increase of a convict population, in consequence of the abandonment of transportation? The noble Earl (Earl Grey) had upon a former occasion, stated that the result would be to let loose between 4,000 and 5,000 convicts upon the innocent better classes of this country before the close of the year. This calculation, he said, was founded upon the answer he then received from his noble Friend at the head of the Government; but he gave him (the Duke of Newcastle) credit for the correction that the whole number, supposing transportation to be entirely abandoned, which it was not about to be, would not amount to more than 2,000—

Earl GREY said, he included in the number the convicts sent from Gibraltar and Bermuda.

The Duke of NEWCASTLE said, it had never been intended, and there was no such idea, to abandon transportation to Gibraltar and Bermuda.

Earl GREY wanted to know whether the difference was made up by the number who would have gone to Australia from those places? For that purpose, there must be added to those transported from Great Britain and Ireland those who would be sent on from Gibraltar and Bermuda—not those sent to Gibraltar and Bermuda, but those sent from Gibraltar and Bermuda to Australia.

The Duke of NEWCASTLE could readily answer the question. He had already stated that, even admitting transportation to cease to the whole of Australia, the number left in this country among our own population would not exceed 2,000. In order to prove that, he would state the average of the convicts sent out in the last five years. The average number of convicts sent from Great Britain and Ireland in the last five years was 1,945. That was all. Then the noble Earl asked that there should be added those who had been sent from Bermuda and Gibraltar. The noble Earl would probably be surprised to hear that in the course of the last five years there had only been an average of 100 convicts sent from Bermuda, and 100 from Gibraltar, to the Australian colonies. There was an annual number of vacancies in Bermuda of 400, and in Gibraltar of 200; yet the numbers which had gone from each of those prisons, for they were not strictly convict colonies, had only averaged 100 during the last five years. [Earl GREY: Hear!] He did not know from that cheer what point the noble Earl thought he had made. He could only say that, even if transportation were to cease at this moment to the whole of the Australian colonies, the total increase of criminal population poured upon this country, in addition to that afforded by the opening of the gaols on the expiration of sentences, would be 1,945 from the United Kingdom, and 200 from Bermuda and Gibraltar. But while arguing upon the supposed fearful consequences of this outpouring of convicts, let the House consider what was the case only six years ago, under the hulk system. The whole of the convicts then sentenced to seven years' transportation were sent to the hulks—a system universally admitted this evening to be one which demoralised instead of reformed the convicts, and trained them to vice instead of to virtue. At that time the whole number so trained to vice were thrown upon the free population of this country; but they never professed to suffer from it. But now, when they were threatened with a far less number, who were reformed by the improved system of prison discipline, combined with labour and separate confinement, introduced in 1846, they professed to believe the country would be demoralised. With the view, however, of disabusing the minds of some of their Lordships as to the fearful consequences that were to arise from any course likely to be taken by Her Majesty's Government on this subject, he would call attention to what was taking place at this moment with our convicts. He held in his hand an abstract of an official return, prepared by that indefatigable public servant, Mr. Redmond. Assuming that Western Australia would still take 1,000 convicts, looking to the probable passing of measures by the Government for altering the law as regarded the punishment of crimes, and reducing the number at present sentenced to transportation and imposing imprisonment instead, what would be the proportion of criminal offenders to those who were now percolating through the population under the system at present prevailing? The total number of persons tried in 1851 was 27,560. Of these the total number sentenced to transportation was 2,895. The total number not disposed of by transportation was 25,058; but to this amount must be added one-third sentenced to transportation but never sent out of the country. So that not more than 2,000 were sent abroad in 1851. The whole of the remainder received punishment in this country, to be released at the expiration of their periods of punishment. Of the various classes of offences against the person, including murder, attempted murder, manslaughter, aggravated assaults, and so on, the total number of offenders was 2,318; of these, the total number sentenced to transportation was 174; but out of that number of 174, the whole number actually transported was 120. He should not follow the return further, because he thought this quotation would suffice to show how greatly exaggerated these apprehensions were; and that if they were prepared to continue to allow such an annual release in this country of this number of offenders, there could be but little to apprehend from so small an additional number remaining at home. What was the proportion of the number of convicts in Van Diemen's land at this moment? It was about one to three of the population; but in the course of the present year the greatest number here by any alteration in the law would be, compared with our own population, as one to 30,000. He could not help thinking that we had arrived at a period when the change contemplated by the Government might usefully be made—when we might with safety dispense to a great degree with the punishment of transportation, and take the care of our criminals upon ourselves, who had long reflected upon our ability to reform them, and whom we had hitherto shovelled out of the country. It was of the greatest importance that we should give our convicts useful employment, and not the miserable abortive system formerly adopted, of picking oakum and turning useless wheels, by which, he believed, not only no good was effected, but that direct evil was produced. Instead of this, convicts would be set working for wages, which should be devoted, a part to their maintenance and a part to their support when released; so that they might be able to start themselves in life, and reform their ways, instead of being sent out from prison without resources. They might be employed in useful works, upon the system of Colonel Jebb—in making harbours of refuge, in works of fortification, in the dockyards, and in other ways. At the present moment the Channel dockyards might employ 1,000 men beneficially as regarded themselves, and economically as regarded the country. And he apprehended that if they persevered in this course, they would before long be in a situation to discuss calmly and deliberately whether they would continue a system which it had now become absolutely necessary to curtail, as it had been heretofore curtailed upon more than one head. Altered circumstances, he believed, rendered this very easy; for what was a great difficulty before as regarded the employment of convicts upon public works? It was the objection that forced labour displaced free labour to an amount that was most unfair to the half-starved workman. There was then a great redundance of free labour. We were not now absolutely in want of labour, but we had arrived at this point—that free labourers found a ready market for their labour, that the ablebodied no longer wanted work, and that every man who wished for it found ready employment. The objection to which he alluded was, therefore, completely obviated. Let their Lordships not forget that other countries, like the United States, for example, had no system of transportation. He was well aware that considerable mischief was declared to have resulted from the system existing in France, and other countries of Europe; but it was no argument at all to say, because the system of *travaux forcés* was considered to have failed in that country, that therefore it should in England be attended with similar results. On the contrary, he believed the attempt to introduce that system would very possibly succeed in the form in which it had been introduced by Colonel Jebb. He had had an opportunity that morning of looking over a small work by the governor of a gaol at Munich, detailing the extraordinary effects of a more humane and rational system of prison treatment recently introduced into that prison, and which would make even Colonel Jebb jealous of the success; and there could be no doubt but that an improved system of prison treatment would be attended with equally good results in this country. He trusted their Lordships would now consider he had shown that Her Majesty's Government had done nothing in this matter at variance with the spirit or the letter of Acts of Parliament; but he felt strongly that when concession was made, it should be made with a good grace, and in such a manner as that it might be accepted as a boon, and not considered as something wrung by clamour from the Government of the day. Such a course as this was absolutely necessary if they were desirous of seeing harmony and good feeling prevail between the mother country and the colonies. In conclusion, he sincerely hoped that Her Majesty's Government would have it in their power to carry out, with the sanction of Parliament, such measures as might enable them to meet the fair wishes of the colonies, and at the same time to consult the interests of this great country, without throwing upon it such an influx of culprits and convicts as might destroy that security of life and property without which all its great advantages would be but as dust in the balance.

LORD CAMPBELL said, he would ask the noble Earl who moved the Amendment whether he meant it to be added to the Address, or whether he intended it as a substitute for it, the Address being rejected? If the noble Earl left it to be added to the Address, he was quite ready to concur in such a step, for the two were quite harmonious, and the Address might even be amended by that which was proposed to be added to it.

The EARL of CHICHESTER stated, that the Resolution he had moved was not an addition to the Address, but an amendment upon it.

LORD CAMPBELL: In that case it would be his (Lord Campbell's) duty to state the reasons which induced him to believe that their Lordships ought to adopt the Address and reject the Amendment. He fully concurred in what had been said about this not being a party question; but as a Judge of the land, as having the honour of a seat in their Lordships' House, and taking a lively interest, as he did, in the criminal administration of this country, he felt called upon to support the Motion for an Address. For the last hundred and fifty years various Acts of Parliament had been introduced, which enacted the punishment of transportation beyond the sea for various terms of years, and, in the case of certain criminals, for life; while other Acts of Parliament had limited the term of imprisonment to be inflicted on criminals in this country to three years. These sentences had been regularly carried into effect shortly after they were pronounced, and it was therefore the clear opinion, both of their Lordships' House and of the House of Commons, that the punishment of transportation should be continued to be enforced. What was it, then, which the present Government meditated doing? Contrary to the opinions so expressed, and contrary to the provisions of previous Acts of Parliament, they proposed substantially to abolish transportation. The speech of the noble Duke was an elaborate treatise, prepared for the purpose of showing that transportation was a punishment which ought no longer to be inflicted. Before he went on circuit he had put it pointedly to the noble Duke whether transportation was to be considered as abolished, and whether, in pronouncing it, he was to consider that the sentence would not be carried out. The noble Duke, in his reply, intimated not only that it was no longer possible to send criminals to Van Diemen's Land, but expressed an earnest hope that transportation would soon, as he said, be brought to a close.

The DUKE of NEWCASTLE: I really must set the noble and learned Lord right. He has most egregiously misrepresented what I did say throughout. I never used the words "brought to a close." I never expressed a hope of the kind; but I dealt with the noble and learned Lord more candidly than he has done with me. The noble and learned Lord asked me what were the intentions of the Government upon this subject; and my answer was that the Government had determined to give up transportation to Van Diemen's Land, but that it was their intention to continue it to West Australia; and in candour I told him further that West Australia was a country of limited capabilities, and I candidly confessed that I could not hold out a hope we should be able to continue transportation to any great extent to West Australia, or for any very long time, but, at the same time, recognising the full propriety of continuing it to West Australia as long as the interests of West Australia and of this country required it.

LORD CAMPBELL said, he did not pledge himself to the particular words used by the noble Duke, but he left it to their Lordships if the purport of his reply was not, that we were to consider transportation was to come to a close, and whether the noble Duke did not pretty plainly intimate his own opinion that the sooner the system came to an end the better? When a question of the same kind was put by his noble Friend to the noble Earl at the head of the Government, the noble Earl certainly did not intimate that transportation was to come to a close; but, when asked what was to become of those entitled to tickets of leave, he stated that no plan was yet devised—but he intimated that though they could not go to Van Diemen's Land, faith should not be broken with them. He confessed he felt great alarm at the notion of 1,000 convicts, with all the discipline and teaching they might have undergone, being at once turned loose on the community, while, on the other hand, to keep such persons in prison for the term for which they were sentenced to transportation, would be nothing less than a gross violation of the Acts of Parliament under which they had been sentenced. He did not say an indictment would lie against the Government or the noble Duke for doing so, because the prerogative of the Crown might justify them; and the noble Duke, if he liked, might order every prison door in England, Ireland, and Scotland to be thrown open; but he maintained that it was contrary to the intentions of the statutes, and a violation of the wishes of Parliament. When the American war broke out, and we could no longer send our prisoners to these colonies, an Act was passed allowing those persons sentenced to be transported to be sent to the hulks; but the noble Duke did not consider it necessary to ask for that power which the Secretary of that day thought it fit to obtain from Parliament. The noble Earl at the head of the Government was, he told them, in favour of continuing transportation—the noble Duke was its mortal enemy; but whatever their secret sentiments might be, their conduct virtually amounted to the abolition of transportation. Could their Lordships sit by and see the Government, however much it might be respected, acting contrary to the statutes and to the repeatedly expressed opinions of both Houses of Parliament? What did his noble Friend propose? A most opportune, necessary, and very moderate Motion, for an Address to the Crown to prevent any change taking place till both Houses of Parliament had had an opportunity of expressing their opinion on the subject before changes of so extensive a character were made in the system? What was the objection to it? They were told it was an insult to the Crown—an encroachment on its prerogatives; but surely they did not insult the Crown because they asked Her Majesty to give directions to Her servants with respect to the exercise of Her Royal prerogative? There was nothing disrespectful or unconstitutional in the proposal; but it was one which he considered indispensably necessary for the dignity of Parliament. He could not see any reason whatever for substituting the Amendment of the noble Lord for the Address, though he thought it might very properly be added to, and be allowed to form part of, the Resolution. What arguments had been used against transportation in the course of the debate? The noble Earl said it set a bad example to those among whom the convicts were settled; but that depended on the preliminary system of discipline and reform, and of religious teaching to which they had been subjected; and if they were reformed to any considerable degree under the system now in operation—if they were taught religion and habits of industry—when they went to a foreign land they might speedily be absorbed in the population, and become useful members of society. He begged their Lordships to bear in mind the most astonishing fact that there were now 50,000 human beings undergoing transportation for life in our penal colonies, many of whom were now in respectable positions in life, but who, if they had continued in this country, would have been pests of society. The noble Duke had given an enumeration of all those who were convicted in the course of the year, distinguishing those who had been transported, from those who were liberated without being transported. But that list included all those who had been convicted for the slightest offences, such as assaults and mere breaches of the peace, which did not indicate any moral guilt. A good deal had been said about the extent to which the abuses of the punishment of transportation had gone. He believed the noble Lords who had dwelt on that subject were not well aware of the modern practice, when they spoke of the extent of abuse of transportation, because he believed the sentence was now seldom pronounced unless for a very long period of time. Since he had had the honour of a seat on the Bench, he had never sentenced any criminal to transportation for less than ten years; and if their Lordships followed his advice, they would not allow any Judge to transport for a shorter period than ten years—for that was the term within which there was hope a man might become a useful member of society. But, when there was no hope that imprisonment would work reformation, he said it was time to send a criminal out of this country, both for his own benefit and for the sake of the community. Their Lordships should be very cautious, therefore, how they laid it down that there should be no transportation except for certain crimes. The noble Earl seemed to think a man might be transported for robbing a henroost; but no such sentence could be pronounced for a simple larceny. He was fully persuaded that a secondary punishment so good as transportation had never been, and never would be, invented. Much obloquy had been cast on him for saying so, and he had been compared with the cruel Judges who passed the severest sentences for slight offences; but he believed transportation to be mild—for the benefit of the criminal as well as for the good of society. He was told by the Judges that the sensation when the sentence was passed now, was as great as ever, and caused as much agony to the criminal and his friends. He would give his cordial support to the Motion of his noble Friend.

The LORD CHANCELLOR said, more than once in the course of this debate it had been said that this was a question which could not, and in the present instance did not, involve any party feeling. He confessed that up to a very late period of the debate—up to the close of the speech of the noble Earl on his left (the Earl of Derby)—he believed that had been said with perfect sincerity; but whether it was now the impression on the minds of all their Lordships, he must leave the House to decide. He confessed, that he thought that whatever might have been the spirit in which his noble and learned Friend (Lord Campbell) had addressed the House, his noble and learned Friend had somewhat altered the character and tone of the debate, and that this matter was not now looked at in the same calm and dispassionate manner as it was at an earlier period of the evening. He (the Lord Chancellor) was extremely anxious to address those noble Lords who had no party feeling on this subject, and to call their attention to that which had not been sufficiently brought under consideration in the course of the debate, namely, the precise terms of the Motion, and the precise consequences of adopting it. The noble Earl (Earl Grey) moved that "a humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to give directions that the arrangements with respect to the punishment of criminals sentenced to transportation, which were in force in the year 1852, may not be changed in such a manner as to prevent the ultimate removal of such offenders from this country until a full account of any contemplated alteration in the above arrangements shall have been laid before Parliament, and till Parliament shall have had an opportunity of considering the measures it may be intended to adopt previously to their being carried into execution." The existing arrangements as they were in 1852! Why, there had been no alteration of any existing arrangement of 1852, with one exception. There had been a positive and distinct engagement on the part of the Government with the colony that no more convicts should be sent to Van Diemen's Land. If they were to pray Her Majesty to continue those arrangements, disguise it as they pleased, it meant this—to ask Her Majesty to give directions to Her servants to violate a pledge they had given, and to do that which they had entered into a distinct and positive engagement with the colony not to do. He could not believe that many of their Lordships could have taken into consideration the exact consequences of acceding to the Motion before the House. He must now make an observation on a point on which his noble and learned Friend (Lord Campbell) must, though unintentionally, have been misleading their Lordships. His noble and learned Friend inferred that the keeping prisoners in this country sentenced to transportation, instead of transporting them, was contrary to law. But he would remind his noble and learned Friend, that an Act of Parliament had been passed, ten or twelve years ago, expressly enacting that the Crown might commute sentences of transportation in certain cases to imprisonment in this country for limited periods, mentioned in the Act. Five or six years afterwards that was altered, and it became lawful for the Crown to regulate the *quantum* of years for which a party might be kept in prison. That was to be at the discretion of the Secretary of State—he not being bound by the sentence. That might have been an inexpedient course; but let not their Lordships go to a vote under the notion that that which had been done was not sanctioned by Acts of the Legislature. With respect to the general question, he concurred with his noble and learned Friend in regretting that the altered circumstances of the Antipodes had rendered it impossible to go on with transportation as we had done. He agreed with his noble and learned Friend; and he might say this, having had for several years to discharge the duties of a criminal Judge, that in nine cases out of ten the sentence of transportation did create a very great degree of terror in the minds of those on whom it was pronounced, and a feeling scarcely less deep on those of the bystanders; he believed also, with him, that the punishment of transportation was in the highest degree salutary, and that it met the exigencies of punishment more than any other, for it united the *maximum* of apprehension with the *minimum* of endurance. It had the greatest possible effect in deterring men from the commission of crime; and where suffering was anticipated, an ordinary and much lighter punishment was in reality experienced by persons when they came to undergo the sentence of transportation. He regretted as much as any Member in that House that transportation could not be continued as heretofore; but he believed it must be the universal feeling among their Lordships that transportation could not go on as it had done, and for this reason, that we had not places to which we could send our convicts. He did not despair that some other place might not be found for that purpose. That must be a matter of experiment and trial; and if they looked to an island in the Pacific, transportation there could not, for some time at least, be the same sort of transportation as had gone on for the last twenty years to Van Diemen's Land; but it might be much the same as that which had obtained for Botany Bay in the first instance. What was the course that was proposed on that subject? It had been assumed that about 2,000 convicts were annually sent to Australia, including Western Australia; but if Western Australia could only receive from 300 to 500, their Lordships must lay their account for carrying on that transportation only to a comparatively limited extent. It was obvious, then, that the only mode in which that could be done was by looking to the class of persons that had hitherto been transported, and seeing from what class of crimes they could best and most safely take away the punishment of transportation, so that to the limited extent of which the colony was capable, transportation might be applied to those graver cases to which it was applicable. But this was no new invention on the part of the Government; they knew perfectly well on taking office that the arrangements now in contemplation must be made, and made, too, before the end of the present Session of Parliament. He should not longer detain their Lordships. He had thought it important to call their Lordships' attention pointedly to what it was they were going to do in supporting the Motion of the noble Earl, and to let them clearly see whether that was what they meant to do.

The DUKE of ARGYLL said, that the noble Earl who had brought forward this Motion had said that the Amendment proposed by the noble Earl (the Earl of Chichester) was an evasion of the question before the House. It had also appeared to him (the Duke of Argyll) that the Motion of the noble Earl himself (Earl Grey) was an evasion of the question; for, as it had been well put by his noble and learned Friend on the woolsack, if the Motion was carried, it pledged the House to address the Crown to restore transportation to Van Diemen's Land; and he must say, if that was the opinion and wish of the noble Earl, he thought it would have been better that he had expressed it openly. It had been said in the course of the debate that transportation was of no use except to those colonies where the convicts were spread out among a large population. But what did he find in Van Diemen's Land? The population of that colony, according to the census of 1851, was 31,000, of whom 18,000 were free settlers, and 13,000 were convicts; and since the gold discoveries in the adjacent colonies of the Australian group, so enormous had been the emigration thither from Van Diemen's Land that actually the adult population had been reduced to 9,000, and the convict population consequently proportionately increased. Under those circumstances, he would ask the House whether that was a colony into which they should continue to pour their whole convict population?

EARL GREY, in reply, said, that in the course of the remarks in which he had introduced his Motion to the House, he had referred to Mr. Wentworth, a colonist in New South Wales, as having, from being a leading advocate of transportation to the Australian colonies, become an orator on the other side of the question. He found that he had unintentionally done Mr. Wentworth an injustice, which he was desirous to repair at the earliest possible moment. That was a misconception on his (Earl Grey's) part; for he now found that that gentleman continued to advocate transportation until the discovery of gold in Australia made a difference. He would now say a few words in reply, and confine himself almost exclusively to what had fallen from his noble and learned Friend on the woolsack. As to what had fallen from the members of Her Majesty's Government, excepting the Lord Chancellor, during the debate, it might be very important, but was altogether beside the question. He was surprised at the observations of the noble Earl at the head of the Government, and they were scarcely worthy of his high position. It was an *ad hominem* argument addressed to him (Earl Grey), the object being to show that the difficulty was one of his creation, and had been caused by a despatch which he had written. He (Earl Grey) wished the noble Earl had also mentioned that the despatch contained a distinct statement that the measure was experimental, and subject to the approbation of Parliament, and that Government had reserved to itself the full right to alter it as experience might suggest. It was, also, quite new to him that any Secretary of State could pledge the faith of Government for all time to come, and of Parliament, to any particular line of policy. All those declarations of the intentions of Government were subject impliedly to the condition of being approved of by Parliament, and it would be opposed to the constitution of the country that a measure of this kind should be carried against the consent of Parliament. He must say, after the declaration of the noble Earl opposite (the Earl of Derby), and of the present Government, and when two successive Governments had announced that they thought transportation to Van Diemen's Land ought not to continue, whatever might have been his opinion previously, that declaration so altered the state of the case that he was now quite aware that transportation to Van Diemen's Land could not continue. The noble Duke (the Duke of Argyll) had said that the object of his (Earl Grey's) Motion was to express the opinion of the House that transportation to Van Diemen's Land should be continued. Now he admitted that, although when it was given up by the noble Earl opposite, such a step was not necessary, yet circumstances had so altered that he knew that now transportation to Van Diemen's Land could not be continued. But then the noble and learned Lord on the woolsack asked, if that was not the object of his Motion, what was it? He (Earl Grey) admitted that transportation to Van Diemen's Land could not continue, and that it must cease at a very early period; but he did not say it was to cease to-day or to-morrow. Noble Lords had argued that they did not intend to abolish transportation; but their opinions were not very clear, because the noble Earl seemed to be all for transportation, and the noble Duke to be all against it. They had stopped the removal of convicts from this country, and it appeared there were already a thousand convicts who, according to the course of things before in existence, should have been removed to Australia; and the noble Earl and the noble Duke told them that a small portion of those might go to Western Australia, but it was impracticable to remove the rest. He (Earl Grey) did not shrink from saying openly that there was no wish on his part to evade the most explicit declaration of what he really intended. He did not scruple to say he thought that, if this Address were carried, the Government should take means to remove those convicts, and send them either to Van Diemen's Land or to Western Australia. But what he objected to was this—and it was the whole burden of his argument from first to last—that, whereas hitherto the removal from this country to a distant colony had been considered by Parliament as a necessary and proper part of the sentence of transportation, Her Majesty's Government had taken upon themselves by their own sole authority, without consulting Parliament, to make an alteration of which the practical effect was, that, from three months ago, a very large proportion of those convicts would have to be discharged at home. He thought that the course adopted was unconstitutional, and though the noble Duke might say it was not contrary to the spirit of the Act of Parliament, he (Earl Grey) remained of the opinion that it was. He was aware that the different Acts of Parliament—the Hulk Act, and others subsequently passed—had given to the Crown the power of keeping convicts at home; he admitted freely that was the technical construction of the law; he had argued that in 1847, when an objection was taken to the course he had adopted, and he had not altered that opinion; but it was his opinion, also, that the spirit of the Act required that at some period or other the convicts should be removed from the country. They had acted upon that opinion in 1847, and made no change without consulting Parliament, and the same thing should be done now.

On Question, whether the words proposed to be left out stand part of the Motion, their Lordships divided:—Content 37; Not Content 54: Majority 17.

List of the CONTENT.

DUKE.
Cleveland
MARQUESSES.
Clanricarde
Salisbury
EARLS.
Bradford
Clare
Clancarty
Darnley
Dartmouth
Derby
Delawarr
Donoughmore
Durham
Eglintoun
Erne
Falmouth
Glengall
Grey
Hardwicke
Malmesbury
Mayo
Powis
Romney
Stradbroke
VISCOUNTS.
Hawarden
Middleton
BARONS.
Berners
Beaumont
Bateman
Carrington
Campbell
Calthorpe
Colchester
De Ros
Dynevor
Mount Edgcumbe
Redesdale
Say and Sele

List of the NOT CONTENT.

The Lord Chancellor
DUKES.
Argyll
Buccleuch
Newcastle
Norfolk
MARQUESSES.
Breadalbane
Camden
Lansdowne
Ormonde
Sligo
EARLS.
Aberdeen
Airlie
Albemarle
Bessborough
Burlington
Carlisle
Chichester
Cowper
Effingham
Galloway
Granville
Harrowby
Haddington
Harewood
Somers
Wicklow
Zetland
VISCOUNTS.
Canning
Sydney
BISHOPS.
Limerick
Manchester
St. David's
Salisbury
BARONS.
Alvanley
Blantyre
Byron
Camoys
Cremorne
De Tabley
Dufferin
Erskine
Elphinstone
Foley
Hatherton
Leigh
Milford
Overstone
Panmure
Petre
Poltimore
Stanley of Alderley
Suffield
Wharncliffe
Wodehouse

Resolved in the *Negative.*

Then on Question, whether the words proposed to be inserted shall be there inserted; *Resolved* in the *Affirmative*.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, May 10, 1853.

MINUTES.] PUBLIC BILLS.—1° Convicted Prisoners' Removal and Confinement; Transfer of Land (Ireland).
3° Exchequer Bills.

INSPECTION OF NUNNERIES.

MR. T. CHAMBERS: In rising to move for leave to bring in the Bill of which I have given notice, I can assure the House that I feel inconveniently and even painfully the difficulties under the pressure of which I proceed to discharge the duty which I have undertaken. Some of those difficulties attach to myself personally—some are inherent in the subject to be brought under discussion. It is a serious though an incidental aggravation of the difficulties in my way that, with an exception too inconsiderable to be mentioned, I rise now for the first time to claim the attention and indulgence of the House, oppressed as every novice must be, and embarrassed by the novelty of my position; but as far as these circumstances are concerned, I am very sensible that hon. Members will listen with forbearance to what I shall say, and that in trusting to their patience and kindness, I shall only share the common experience of all my predecessors, every one of whom has had the same ordeal to pass, and every one of whom has felt that the irksomeness of his task has been diminished by the consideration and indulgence accorded him by the House. Sir, the subject I rise to discuss is one not only of the gravest importance to the people of this country, but one which touches incidentally their most serious convictions and feelings. I am, and I say it unfeignedly, most anxious so to introduce this topic into debate that it may be discussed without sectarian and polemical rancour. I desire that no man's religious sensibilities should be wounded, or even his prejudices rudely and wantonly assailed, but, reserving to myself always that freedom in the expression of my own views which the purposes of debate demand, and the rules of it permit, I would abstain as far as possible from everything that could be deemed offensive or even distasteful to any Gentleman in any quarter of this House. But, whilst I desire to respect every man's religious opinions and creed, and would not unnecessarily wound their susceptibilities on any subject, and whilst I am anxious to avoid, as far as possible, a theological discussion, it is essential to the object which I have in view that I should state with that candour which befits a Member of Parliament, and with that fidelity which becomes an Englishman and a Protestant, the grounds on which I ask the House to interfere in a case in which legislative interference is loudly called for, and in which I believe that interference must, sooner or later, take place. Having detained the House so long with preliminary matters, let me now crave their patience whilst I state briefly the case which seems to me to call for legislative redress, and the nature and extent of the remedy which I propose. Hon. Members will have learnt from the terms of my notice that it is apprehended by many persons that there are individuals in this country subject to an undue and improper species of coercion and restraint, and that the existing law does not afford them adequate means of relief. Sir, that impression does prevail; it prevails increasingly; and, if I may be permitted to say so, it prevails in the country to a degree which is not adequately conceived of, or represented, by the Members of this House. Now, I affirm nothing at present with respect to the truth and justice of this popular impression; I merely assert its existence, and its universal prevalence; and if it is not within the personal knowledge of every hon. Member who hears me, and if any one doubts the accuracy of my assertion, I cite in confirmation of my statement, the numerous petitions I have this evening presented, coming from every province and district in the kingdom, and signed by so many thousand persons. Sir, it is not an apprehension only, but a deep conviction in the minds of thousands—and those the most thoughtful, careful, and benevolent persons—that the evil alluded to exists, and increases, on every side of us; that institutions alien from the free spirit of our constitution, and for centuries almost unknown among us, are springing up in every quarter, and are gathering, and secluding, and restraining from liberty and from society, those who desire and who deserve to enjoy both: That within the walls of these establishments the rigours of ascetic discipline, and the burdensome rites of a ceremonial religion, are wearing away the reason and the lives of those who are entitled to be free and happy, but who are suffering miseries the nature of which is imperfectly understood, enduring penances and priestly inflictions to an extent which the mystery surrounding them only serves to exaggerate, and in the midst of a free country and a free population, are shut out from the light of the constitution—[*Cries of* "Oh, oh!"] Yes, for not a single pencil of the universal radiance penetrates the darkened windows of a convent—and placed practically beyond the protection of the laws. It is thought to be time that the law should step in with a view of protecting those who are beyond the reach of the enactments already in existence, and of placing such persons on the same footing on which we have placed others; to interfere for their relief, as we have interfered for the relief of others who have been called to suffer what they thought hardships, restraint, and violence.

Now, Sir, my case does not depend on the reasonableness and justice of the public suspicion, but on their existence and their prevalence; they may be greatly exaggerated—probably they are—they may be false and inaccurate in many particulars, but they exist, they prevail extensively, they are rapidly multiplying. Nor are they entertained only by the ignorant and unenlightened. On the contrary, the press, the platform, and the pulpit all bear witness to the fact, that the thoughtful, the intelligent, the philanthropic, largely share them. Is Parliament, then, unworthily employed in attempting to devise and to apply an effectual remedy for such an excited and inflamed condition of popular feeling?

I do not wish to conceal from the House—in fact, it is impossible to conceal it—that the Bill I am about to introduce is more especially directed against conventual and monastic establishments. There is nothing novel in the introduction of a measure contemplating such an object. There is a provision in the Roman Catholic Relief Act itself which is directed specifically against monastic institutions. That enactment is now in existence on the Statute-book, is nominally in full force, but actually is a dead letter; and similar measures to those which were adopted before, with good reason, may be passed now with a view of meeting the new evil which has arisen since that enactment was framed.

I know perfectly well that those who support monastic institutions, and favour them, are in the habit of describing them as places of calm retreat and seclusion, where ladies may retire from the world and enjoy a degree of tranquillity and peace which they could not secure amidst the anxious and busy scenes of life.

But the people of this country do not believe that the description given by Roman Catholics of nunneries is universally true, nor that all these ladies are in a voluntary and happy seclusion, and there are certain grounds for their disbelief with which I would shortly trouble the House; and although my arguments will be derived chiefly from the literature, the laws, and the annals of the Roman Catholic Church, yet I wish to observe that my Motion is pointed against all monastic institutions, whether Roman Catholic, Anglo-Catholic, Mormonite, or Agapemonite: but as the Papal Church is the only church sanctioning such institutions which has a history, a code of laws, and a literature, it is thence chiefly that I must draw the illustrations of my arguments.

There are certain reasons, then, why the public do not believe that conventual establishments contain only contented people; and if it be urged that the discontented are the exceptions, my reply is, it is precisely those exceptions of which we are in quest, and to which the proposed Bill is directed.

Now, the first reason which induces the people of England to desire an alteration of the law is (and though it is not by any means conclusive, yet it is one which naturally strikes the popular mind), that all convents are built like prisons, bolted and barred, with grated windows and lofty walls, and a porter day and night at the gate; and there is no admission for anybody, and all the architectural arrangements externally seem only to be designed with a view to safe custody. So, internally, there are not only cells, and refectories, and chapels, but, if report be true, there are dungeons also. This is one reason which makes the public think that these places are not exclusively devoted to the retreat of the contented. ["Hear, hear!" *and ironical laughter.*] Hon. Gentlemen are perfectly at liberty to smile at my arguments, but this was stated when the subject was discussed before, on the testimony of credible witnesses, and no explanation was offered. As Paley has said, "Who can refute a sneer?" The argument is not put as conclusive, but only as one of the reasons which make the public suspect that such buildings are not erected merely to be the abode of contented and happy inmates, but rather with a view of keeping those who had been once entrapped.

There is another reason why the public distrust the character of these institutions. They know that the Council of Trent has denounced the most severe anathemas against those who either induced or compelled a nun to enter a convent against her will, and they have more faith in the existence of the evil against which this church legislation was directed, than in the efficiency of that legislation to correct it; for even church laws may be broken for church objects, and absolution be easily obtained for breaches of the law committed for the benefit of the church, the motive converting the crime into a merit. Hence it is that the people of England distrust the assertion that the seclusion of nuns is always voluntary. The existence of the crime may be far more conclusively inferred from the law which appears on the Statute-book, than its suppression can be inferred from the fact of the precept and of the penalties having been directed against it. As the law passed to punish sheep-stealing attests the prevalence of the offence, I grant that this argument is not conclusive, but it is one which influences the public mind.

Again, the people of England know that the canon law denounces severe penalties against a nun who forsakes a convent after having once taken religious vows, and they think it impossible that such denunciations should have been uttered unless there had been in some cases a desire to escape from bondage. The Church of Rome holds religious vows to be of sacred obligation, and, therefore, naturally enough, enacts penalties against those who presume to violate them; but the British constitution knows nothing of their imperious obligation, and such bonds are broken with as much ease as Samson snapped the green withs which bound him, the moment a nun invokes the aid of British law. This may not be a conclusive argument, though I think it is pretty nearly so; but I am now about to state one to which the ingenuity of hon. Members who represent Ireland will be taxed to find an answer.

The next reason which induces the British public to doubt the perfect contentment of religious recluses is, that page after page of Roman Catholic sacred literature is employed in exhorting and denouncing nuns who desire to escape, and describing the heavy penalties they would incur, and the enormous sin they would commit, in seeking to be released from their vows. The most florid and vehement rhetoric is exhausted in laying before them the advantages to be secured by remaining within the walls of a convent, however unwillingly, and the dangers and perils incurred by a sinful endeavour to escape. Now, the argumentative value of this admission cannot possibly be overstated or over-estimated. Is it possible, after this, to say that there were no such persons as discontented nuns? This was not an inadvertent admission, casually made without thought of the consequences, or one forced from the reluctant grasp of a controvertist by an acute and remorseless adversary; nor was it a categorical assertion of the existing state of things, as though the public needed to be informed of it; but it was a state of things assumed as existing, as well known, and as a crying evil in the Church, creating the greatest scandal, and requiring a prompt application of legislative and other remedies. Here, then, was a class of nuns treated as discontented—exhorted, warned, remonstrated with, and denounced as such. It may be said that these were, after all, only exceptions; but then these exceptions were just what they were desirous of reaching. It is not desired to liberate those who are contented and happy in their seclusion; we do not want to enter a nunnery and discharge from monastic vows any lady who is desirous of remaining under them; but if we find a class whom learned doctors in former times exhorted, entreated, and anathematised, these are the persons whom we are looking for, and to whom the British constitution will say, "You are free." No, it does not say that completely yet; but I confidently predict that, if not in this Session, yet at no distant period, this act of obvious justice will be done in this country, as it is done already in every other enlightened country in the world.

It may be said that these denunciations were written for a class of persons existing a long time ago, and in other and distant countries; but time and place are utterly immaterial to the argument, for so long as the Roman Catholic system and the human nature subject to it continue the same, the same evils may be looked for, and similar remedies will be required. I put this, therefore, as a conclusive argument.

I will now state to the House what is the law in the most important countries in Europe, in reference to this question. It will be found that in nearly every other country where convents exist, there are legal provisions for the liberation of the dissatisfied nuns. It will not do to argue that we have nothing to do with other countries, and cannot be influenced by their example, for history is not written for the mere gratification of an elegant leisure, but for instruction and guidance in matters of legislation and government. Nor can it be said that there is any overwhelming prejudice against conventual institutions in those countries, or ignorance respecting them, for they are Roman Catholic countries, and as such they must necessarily know these matters better than we do. In fact, the mere existence of such legal provisions as I shall proceed to notice, is the plainest proof of their necessity. In Prussia, no novice can take the veil without having been first examined by the civil authorities, as to the sufficiency and propriety of her motives for taking such a step. In Russia, no convent can receive a nun without first addressing the synod at Moscow on the subject, and sending an affidavit of the postulant, that it is her own wish and free will to enter on a religious life; and the synod then grant or refuse the application, as to them appears right. In Bavaria, vows are not allowed by law for more than three years, besides which, there is a quarterly visitation of all the convents by the civil authorities, for the purpose of ascertaining not only their fiscal condition, but for the purpose of restoring to the world and to society every nun who desires to relinquish the seclusion of the convent. In Austria, the inmates of these institutions may, at any time, privately address the civil Government, stating their desire to leave the convent; and that application will be attended to, and they are permitted to leave or not, according to the reasons assigned, and the circumstances of the case. In the convents in France, in many of them at least, the vows are only temporary, and there is a power in the maire of the arrondissiment, accompanied by the authorities, to visit them without notice, whenever he thought it desirable or necessary to do so.

Now, the existence of a strong public feeling upon the subject in this country, is alone, I think, a reason for doing something; whilst the justice of that feeling is proved on the several grounds which I have mentioned. On the ground of the external and the internal character of the buildings; of the jealous vigilance observed in them; of the fact that ingress is never followed by egress; by the decree of the Council of Trent, denouncing the crime of coaxing or compelling reluctant persons to enter a convent; by the canon law which curses discontented nuns; by the rhetoric employed and exhausted by the doctors of the Church upon repentant and turbulent inmates of these establishments; and, finally, by the law and practice of all the enlightened countries of the Continent in relation to the institutions.

But certain objections will be stated against the proposition submitted to the House; and to the most prominent of those objections a few observations must be devoted. And, first, it may be said, your object is to invade religious liberty. To that argument my answer is, we seek not to invade religious liberty, but to protect civil liberty. The whole question is, not whether religious liberty is to be secured, but whether civil liberty is to be invaded. Whether against the law, and in violation of the constitutional rights of Englishmen and Englishwomen, individuals are not immured within stone walls, deprived of all communication with their friends, and consequently of all the blessings of social intercourse. If the fact of a restraint from civil liberty be not made out, there should be no legislative interference at all. From some observations which I have heard, I suspect that there is a great want of information abroad upon this subject among those who are hostile to my proposal. Hon. Members are perhaps aware that in the Roman Catholic Relief Act, there is a provision making it in plain terms illegal to establish any monastic institution for males in this country; but there is a saving clause exempting convents for women from the penalties imposed, which at the time of the passing of the Act did not much exceed a dozen. But now if we look to the *Roman Catholic Directory* for 1853, we shall find that there are no less than seventy-five convents in England and Wales: this is in itself an important fact in this Protestant country; but though the actual number is considerable, it becomes momentous when compared with the returns of former years. In 1851, there were fifty-three nunneries; but, as was stated in the former discussion, nineteen of these had been added during the four previous years, or fewer than five each year. But how has the number increased, since 1851, when there were fifty-three nunneries in England and Wales? In 1852 there were sixty-two, or an addition of nine; and in 1853, there are seventy-five, being a further addition of thirteen. The additions, therefore, go on rapidly increasing from year to year. [*Cries of* "Hear, hear!" *from Irish Members.*] Hon. Gentlemen near me rejoice, and naturally so, in this fact, for their religious views lead them to believe that these establishments are calculated to spread religion. No doubt Roman Catholic gentlemen are perfectly at liberty to multiply conventual institutions, and to rejoice at their success; but surely they will not consider it an unreasonable request, that young females should not be compelled to be happy in them against their will. But with respect to this alleged uninterrupted happiness, I would refer those gentlemen to the pages of Roman Catholic divines, who complain constantly of the turbulence of convents, and the great scandal that arose to the Church, in consequence. Surely we cannot infer unbroken tranquillity, when disturbance is so often confessed, or unmixed happiness when resignation is so often counselled with the most forcible rhetoric. To attempt to detain persons in a happy seclusion by threats and anathemas, is very much like finding it necessary to fence round Paradise with a *chevaux de frise* of curses.

I have mentioned the Roman Catholic nunneries; but there is another class of conventual establishments, namely, the Anglo-Catholic, which equally demand supervision. Of these we have unfortunately no return at all; but perhaps the whole number, both Romish and Protestant, will not be over-estimated at 100; and supposing each to contain thirty inmates, this will give an aggregate of 3,000 nuns for England and Wales—a number sufficiantly large to excite attention in this House. For though the ceremony of a young lady taking the veil may be looked upon as a very trifling and insignificant circumstance, yet it should be recollected that there is nothing analogous to it in the institutions of this country; in fact, there is nothing at all like it except dying, for when a young woman takes the veil, she passes away entirely, not only from the public view but from the society of her most intimate friend. ["Oh, oh!"] I have read nothing on the subject but from Roman Catholic books, whence it seems certain, that nuns cannot see their friends except in the presence of the superior, or of some member of the convent; and how absurd is it to suppose such infrequent and constrained interviews to be any substitute for the constant and kindly intercourse of kindred and society! It is, to use a trite phrase, adding insult to injury, to call that the privilege of seeing one's friends. In entering a convent, the nun is lost to the country as a citizen, and she passes at once from the control of the law and from the protection of the constitution. Within the convent there can be neither communication nor correspondence with the external world. Out of the light of the constitution—out of the reach of the law—out of the hearing of her friends, the poor nun, if discontented with her way of life, is perfectly unprotected and helpless: no ear can hear her complaint, no arm can bring her redress. This is the case practically, although not theoretically, for the law stands helpless at the porch of a nunnery, as the emperor of old did at the gate of the Papal palace at Rome. It is not possible to make the law of England available in such cases, and it is only done in foreign countries, by provisions framed specially for the purpose. The ordinary laws on the Continent have beenas certained to be not strong enough, and hence, in most Catholic countries, special provisions have been enacted far stronger than those which when proposed two years ago as necessary in this country were denounced as monstrous infringements of personal rights.

Now, it may be asked, what proof have you that the inmates of these convents are unhappy? One sufficient reason for believing this is, that a nunnery is ostensibly a place of restraint and infliction, where females are held in strict bondage, and are under absolute power, in irresponsible hands, exercised in impenetrable secrecy. This, at least, it is impossible to deny. What, then, is the necessary inference? It is, that the law should be more vigilant in protecting the rights of parties placed in such a situation, and in preventing any abuse of authority for which there is such an opportunity. It is said, also, that there is, no need to pass a special law, and that any such law would be unconstitutional; but let the House remember that they have special laws for the protection of idiots and lunatics, and many other classes. Yet, in my opinion, there never was a case in which Parliament has interfered specially for the protection of the subject, half so strong as the one I am now bringing under their notice. In the case of lunatics there is no mystery or concealment, and they may have lucid intervals during which they may seek redress for any undue restraint; but what interval or chance for making complaint has the poor nun? She may be happy, it is true; but if she is wronged and wretched, what opportunity has she, or power, of appealing to British law for redress? We have passed laws for the protection of factory boys and girls, interfering for that purpose even with the authority of their own parents, and with the freedom of trade. No such inconvenience or objection arises in the present case. Again, we have passed acts which follow the sailor boy over the world, and give him justice; and it is only a short time since that the right honourable Gentleman at the head of the Poor Law Board brought in his measure for the protection of parish apprentices, under which the parochial authorities are empowered and required to visit the masters of the children several times in the year, for the purpose of ascertaining that no wrong is done to them, and no cruelty inflicted upon them. And although these apprentices may be removed to a distance from the union whose guardians bound them, yet the law follows them, and requires the overseers of the parish in which they may be living to exercise the same vigilant oversight in respect of them. If these special provisions have been found necessary in such a case, surely there is still stronger reason for interference to be found in the nature of the restraints imposed upon the inmates of conventual establishments.

But there is one feature of these institutions especially deserving of notice, and that is that convents existing in this country are affiliated with institutions of a similar kind on the Continent; and, hence, a person may be deported at any moment or under any circumstances—in fact, transported for life, and it will be impossible for the officers of justice to trace the direction in which the exile had been sent. I have said that there is nothing analogous to these institutions in England; and I call upon my honourable friends representing Irish constituencies to name, if they can, any other institutions at all resembling them in principle. Here is imprisonment for life; seclusion from all social intercourse; severance from all domestic ties; and utter deprivation of the protection of the law. In addition to all this there is the risk of transportation for life without offence and without trial, and without the slightest chance of protection from the constituted authorities.

But it will be said, "You only make general statements, and have not given one example." In my judgment my case does not rest on single instances, nor can it do so with half the stability with which it is sustained by the general arguments which I have adduced. Those arguments have a better foundation than single instances, which, had I quoted, it would have been said that a single example of wretchedness only served to prove the general rule of contentment. Besides, one ground of our complaint is, that we cannot get the facts, and that the absence of facts is a proof of the secrecy and success of the system. We charge it upon you that your system of wrong succeeds so perfectly that we cannot detect the instances in which the wrong has been committed. If the country were covered with refugee nuns escaping on every side, it might be said there is no need for the interference of the law, as the system of compulsory seclusion evidently failed, and the discontented escaped. That argument has been used on a former occasion; but, after two years' consideration, I shall be astonished if I hear any hon. Member repeat it now. On this part of my subject, however, I will give one or two instances by way of illustration, and feel that my case is much strengthened by what occurred last night in another place, where a most rev. Prelate and a right rev. Prelate had cited examples of the evils now existing in conventual institutions. The Archbishop of Dublin said—

> "He would take the liberty of mentioning a case which had come within his own knowledge, and for the accuracy of which he could vouch. There was a boy in the service of a certain institution in Dublin, who resided in the institution. He fortunately had a father and mother alive, and occasionally went home to see his parents. Not having visited them, however, for some time, they became alarmed, and inquired for him at the institution, but they were put off with evasive answers. At last, becoming very much alarmed, they demanded him at the head of a body of police, when he was reluctantly produced, but in so frightfully emaciated a state that it made one's blood curdle to hear of the cruelties which had been inflicted on the poor boy. If he had not had a father and mother alive, he would leave their Lordships to guess what chance he would ever have had of being released."

Another instance had also come to his knowledge:—

> "There was a Protestant lady in Dublin, most of whose relatives were Roman Catholics, and she had formerly been of that Church; she had, however, for many years been a member of the Protestant Church, and was bringing up her children as Protestants. She was frequently assailed, and offers of pecuniary assistance (she being in narrow circumstances) were made to her if she

would return into the bosom of the Church of Rome. That might be all fair enough; but he would not have done it, for he would rather not have converts obtained in that way. This poor woman was thus assailed constantly, and her Protestant friends (for relatives she had none) procured for her a situation in England, and they had even engaged a passage for her, when just at that time she disappeared, and had never been seen by any of them since. They had inquired earnestly after her, and had traced her from one house to another, and at last had ascertained where she was admitted to be; but they could only get messages from her, saying that she had returned to the Church of Rome, and wished to have no further intercourse with her friends. This might be true; but it would have been more satisfactory if she had been produced, and such a statement had come from her own lips. A letter was at last produced purporting to be written by her, but her friends all agreed it was not in her handwriting. From that time to the present she had not been seen."

["Hear, hear!" *and cries of* "Name!" *from the Roman Catholic Members.*] I believe the facts cannot be denied; but, at all events, hon. Members may have plenty of opportunity for investigation. I do not believe the statement is the Archbishop of Dublin's invention, and I can assure the House it is not mine.

The Bishop of Norwich stated the following case:—

> "He would mention a case which came under his observation two years ago. He was residing in the neighbourhood of Dublin when an application was made to him by a Roman Catholic mother, who asked him to obtain information as to the particular nunnery to which her child had been removed. She thought him to be a Roman Catholic priest, and he felt bound at once to undeceive her, or he might have heard more of her story; he advised her to apply to the late Dr. Murray, then Roman Catholic Archbishop of Dublin."

Now, it is clear, that a Roman Catholic mother is entitled to the custody of her daughter, and is not only authorised but bound to know where she is; but all that a benevolent prelate could do in this case was to recommend her to the Roman Catholic Primate of Ireland, who was very unlikely to know anything about the matter.

A more recent case has occurred in France, which has attracted a great deal of notice, and full particulars of which are detailed in two late numbers of the *Christian Times*. A superior and eight nuns of the Society of St. Vincent de Paul of Paris, had become convinced that the Roman Catholic was not the true religion, and had determined to renounce it and become Protestants. The superior was only under temporary vows, which expired on the 29th of last October; but the vows of the nuns were not to terminate till after some considerable period had elapsed. Their change of principles and intentions were discovered. The superior had made an appointment to meet her friends at a particular house in the city, but she has not made her appearance to this hour; the other nuns were at the same sent away a hundred or more miles to some affiliated institution, where neither the law nor their friends could follow them. They were to have written, but no letter has been received. A profound silence has followed, and their friends will never hear of them unless the civil authorities be put on their tract. One of them has indeed happily escaped from her persecutors, for she is dead. Now, these are facts which it is idle to deny. They rest for the most part on Catholic authorities. They have been laughed at, but never refuted. They have been long denied, but are now universally believed, and the time is gone by for contradicting them. Indeed, I would recommend my opponents who are disposed still to deny them, to adopt a more candid and perchance a more successful course—to admit and to justify them. To use the language of the law, it is idle any longer to plead the general issue; you had better confess and avoid.

I will now with the permission of the House anticipate a few of the prominent objections that are likely to be taken to the course I propose. First, it may be said that the measure suggested will be an invasion of religious liberty. It is difficult fully to understand this objection, and therefore to answer it—for we are not going to compel a Roman Catholic lady to abandon her vows, or to interfere with and break up communities of religious females living in conventual institutions, who derive comfort from such a mode of life, or who believe they do. Nothing could be more wrong than to adopt such a course, and I have no intention of taking it. I do not desire to interfere in those cases; but where a person is not satisfied—where the system instead of operating to afford a religious asylum, proves a perfect civil tyranny of mind and body, person and property, and becomes a bold invasion of religious liberty itself—it is proper for the law to interpose. This is not a religious question. It is not even an ecclesiastical question; for it is to be remembered that these institutions form no part of the Roman Catholic Church, but have often been persecuted and denounced, though afterwards taken into favour. It was always optional whether or no the Church should admit them into connexion with itself, and hence whilst no person's religious feelings will be wounded by the result of this Motion, it is not even necessarily in conflict with ecclesiastical sentiments.

It may be said that this proposal will be a rude interference with the secluded life of ladies of high character and station. Now if that objection is to be urged, I beg of hon. Members to bear in mind that it is utterly frivolous, and cannot be sustained for a moment. If no wrong exists, there is no reason for the Bill; but, on the other hand, if wrong is done, and such wrong as is suggested, who will presume to balance the inconvenience of an occasional visit of two gentlemen to a convent, against the evils sought to be redressed? We are not to compliment away the lives and liberties of the Queen's subjects, lest a few ladies of high station should perchance be disturbed over their tea; or allow helpless women to be imprisoned for life at the hands of irresponsible authority, lest the privacy of conventual institutions should in any instance be invaded in an attempt to rescue them. I care not how dexterous is the hand which holds the scales: it is impossible to make a trivial inconvenience such as that suggested, outweigh the grievous injustice alleged to be inflicted.

Again, it may be said that this Bill violates the maxim of British law, that a man's house is his castle. It is far too late in the day to urge this objection, for it must not be forgotten that the law violated that sanctuary every day and in numberless instances. An Englishman's house is his castle. What protection, let me ask, does the maxim afford against a custom-house officer who suspects that contraband goods are secreted in the house? Why, if such an officer catches scent of a box of cigars in the hatcase of a traveller, or a pound of pigtail through the keyhole of a door, straightway every personal right by statute or at common law is forthwith suspended; no notions of personal liberty will prevent the traveller from being detained and searched, and no bolts and bars be strong enough to prevent the dwelling from being entered. How, then, can this objection be sustained when the principle is violated in innumerable instances lest the revenue should be defrauded of a few shillings? There is no nice delicacy in such a case—no reluctance—no hesitation—no diffidence—no refinements as to men's personal rights—no quibbling about castles and inviolability, and so forth; the scent of tobacco overpowers all such frivolous argumentation.

Again, the law has interfered in a manner similar to that now proposed for the protection of parish apprentices and factory children. Is a parish apprentice whipped too severely, or fed too sparingly? —a public officer is ready to restrain his master's rod, and to revise his dietary. Is a factory girl detained an extra half hour in a mill, or is the fender round a revolving piece of machinery too low by an inch?—official persons are ready to rush into the mill by day or by night, and mulct the proprietor in vindictive penalties. How idle, then, in the case which we have brought forward, to be scrupulous and reluctant; sacrificing the substance of freedom to a superstitious veneration of its forms; allowing a helpless woman to be imprisoned for life, and to be tortured till she rests in the grave, because an Englishman's house is his castle, and a nunnery porch may not be passed by an officer of the law! It is too late to press such an argument: you have overruled it too often to urge it successfully now, unless you mean seriously to contend that it is liable to exception where the Exchequer may lose a few pounds, but not when the State loses a citizen; when a fraud on finance is threatened, not when an outrage on humanity is perpetrated.

But it may be said we have the *habeas corpus*, and this leads me to state briefly the remedy which I propose. My first anxiety has been to do as little as may be necessary, and to satisfy the public demand with the smallest possible sacrifice of private feeling. I propose, therefore, that the Secretary of State for the Home Department should have power to appoint one or more persons, and that these persons, having reasonable and probable grounds for believing that any improper coercion or restraint is exercised on any female in any house or building, shall have power to go to that locality and select a justice of the peace for the county, a respectable person suited for the purpose, with whom he may proceed to the house and ascertain the facts. If, on investigation his suspicions are removed, the proceedings will drop; but if they are confirmed, then, upon his return he may sue out a writ of *habeas corpus*. This, then, is the whole power which the Bill seeks to obtain. If there be sufficient ground for complaint, the convent will be visited by the duly appointed officer, who will not be authorised to set the nun at liberty, but will merely have power to put the ordinary process of law into operation for her relief; and an annual return of these visits will be made to Parliament in order that any improper exercise of this authority may be detected.

I appeal, therefore, to the House to afford protection to these helpless women, who are in the hands of persons exercising a secret, an absolute, and irresponsible authority over them. The law is strong enough, and what is desired is, to remove the mystery which exists. I believe that that mystery magnifies the popular apprehensions; but wherever there is mystery there is always ground for suspicion. The only inconvenience inflicted by the Bill, will be that ladies who have not been accustomed to see any gentleman but their priest or their bishop, may be required to see the gentleman, appointed by the Secretary of State. But who will balance the inconvenience of such a visit against the result which that visit is intended to secure? This measure is necessary if only to dispel the popular impressions which prevail on the subject, and which will be daily aggravated if some steps are not taken to place these institutions under the supervision of the law.

I appeal also to hon. Members who are in favour of these establishments, if they wish to vindicate the character of these institutions, to support the measure which I have proposed, if they consider that there is no truth in the representations which have been made of them. The only vindication which they can make is to declare that they are not afraid of being supervised because they have nothing to conceal, and that they are ready for their own sakes to place these institutions on the same footing with all others in the country under the eye of the law, and the control of public opinion. I beg to move for leave to bring a Bill to facilitate the recovery of personal liberty in certain cases.

Mr. CRAVEN BERKELEY seconded the Motion. He said he was at a loss to understand why this country should stand alone, with the exception of Spain and Italy, as regarded the present subject. The law of this country in reference to nunneries was the same at the present moment as it was at the time of the Council of Trent. What was the order issued by the Council of Trent in respect to nunneries? It decreed that "they should be kept carefully closed, and all egress forbidden to the nuns, without episcopal licence, under pain of excommunication in this world, and eternal damnation hereafter." And yet that law was in force at this moment in England. The hon. and learned Gentleman who introduced this Motion had referred to the laws affecting nunneries in other countries. But there were two countries which had been omitted. For instance, in Mexico—a Roman Catholic country—there was a law authorising the frequent visitation of nunneries. The agents of the law arrived unexpectedly, and questioned the nuns as to whether they had any cause of complaint, or desire to leave the conventual establishment;—but there was nothing of that sort in this country. Not only was it the fact that, in the convents of England, a lady, having once taken the veil, was prevented from seeing her friends unless in the presence of the superior or lady abbess— [Mr. Bowyer: No, no!] The hon. and learned Gentleman might cry "No, no;" but no amount of contradiction could alter a fact of which he (Mr. C. Berkeley) had personal cognisance. It had happened to himself, in his own person, to be refused an interview, except under such circumstances as he was stating. He had been refused permission to see his nearest and dearest relative in a convent, unless in presence of the superioress. That was not alone the case with ladies who had taken the veil, but also with postulants, or persons who took the white veil before taking the black. If hon. Gentlemen knew as much as he did how education was conducted in convents, they would find little hesitation in giving a vote for the Bill that evening. The young, the confiding, and unsuspecting were placed at an early age in these convents. If entitled to fortunes, the moment the black veil covered their shoulders, everything they possessed became the property of the convent. It was useless to repine—to wish for the liberty once enjoyed; for once the black veil enveloped the postulant, repining and complaint were useless; nothing but death could relieve them from their situation.

Motion made, and Question proposed—

"That leave be given to bring in a Bill to facilitate the recovery of personal liberty in certain cases."

Mr. BOWYER said, he would not follow the hon. Gentleman who had just resumed his seat through the vague generalities which he had addressed to the House. The case he had alluded to in which he was refused admission to a relative of his own in a convent, was simply a case of "not at home," the fact being that the lady in question did not desire an interview. What the hon. Gentleman supposed, could not have occurred in that case, for the lady in question was only a postulant. The hon. Gentleman was quite mistaken as to the position of a postulant, and the treatment awarded to her. A postulant was not a nun, nor even a novice, but a lay person, who was at liberty to come and go just as she pleased, being bound neither by vow nor promise. It was clear, therefore, that the hon. Gentleman was mistaken with regard to every fact on which he had sought to found his argument. With respect to the hon. and learned Member who had brought forward this Motion, it was difficult to know how to deal with him, for he regarded the fact that there were no runaways from convents as an argument in favour of the notion that the discipline and restraint which prevailed in such establishments must be intolerable. He (Mr. Bowyer) would be disposed to place a totally different construction on the fact. He would now refer to what had been stated in the House of Lords by a most rev. Prelate (the Archbishop of Dublin), in respect, not to a nun, but to a boy, whose name, however, was not mentioned. They all knew what strange stories got abroad; and, for his part, he would not believe the tale about the boy without more evidence than had been adduced. It was said that the relatives of the boy, with the aid of the police, had forced their way into a convent, where they found the boy, in a state of laceration. If so, why were not legal proceedings taken? Was it credible that, if the story were true, the relatives of the sufferer took no further steps to punish the offenders? Why did not the police take measures to bring the parties committing such an outrage to justice? The absence of any such proceeding appeared to him satisfactorily to dispose of that case. He must say, that whenever a case had occurred in which it was attempted to be shown that these institutions were badly managed, on investigation it always turned out to be what was called a "mare's nest." They all remembered the case of a young person who complained before a magistrate of being treated with cruelty in a convent, about two years ago. The magistrate, however, dismissed the case as unproved; and he (Mr. Bowyer) had seen that same girl afterwards in the same convent, the "Good Shepherd," at Hammersmith, she having been taken back from motives of humanity by the very ladies against whom she had uttered such slanders and calumnies. The popular feeling, if any, on the subject of convents was created not by facts, but by Exeter-hall speeches, virulent pamphlets, and rancorous newspaper articles, by which it was attempted to inflame the imagination of the people against the Catholic Church. It was possible there might be discontented nuns now as in former times; but he had yet to learn amongst what class of human beings discontent did not to some extent prevail. His belief was, that if the same spirit which existed in convents existed elsewhere, they would not now be engaged in any such discussion as the present. It was his conviction that whenever it might suit the purpose of persons to bring forward cases of a prejudicial nature, such as had been adverted to to-night, they would, on investigation, vanish into thin air, and the result would redound to the credit of the convent the character of which had been attacked. The hon. and learned Member for Hertford (Mr. T. Chambers) had referred to the popular feeling on this subject; but there was no difficulty in accounting for that, when they saw the means used to excite it. By way of strengthening his claim to be empowered to inspect these nunneries, the hon. Gentleman referred to the cases of lunatic asylums, factories, and workhouses, where inspection was allowed. But the answer to that argument was, that all those were places where persons were kept under the authority which the law gave; and, the law giving that authority, it was quite right that the same power should see that that authority was properly exercised. But what was the case of a convent? A convent was a private house. The persons there had no legal authority to detain any one. In some countries a legal authority was given, and in some of those cases there was a power of inspection. He begged the House to consider what the effect of the Bill proposed to be introduced by the hon. and learned Member would be. It would resolve itself into this question—whether convents were to exist at all in this country or not; because there was no question that an inspection by a person appointed by the Government of the day would have the effect of suppressing nunneries in this country. For who knew what that Government might be? For aught any one knew, it might be an Orange No-Popery Government. Then, again, the inspector was to be attended by a magistrate of the county. Who knew who that magistrate might be who should have authority to call the ladies of the convent before him, and interrogate them as to the internal management of the institution under their control? His opinion was, that a law conferring any such power would be destructive of those establishments. And what would be the effect of that? The House, perhaps, was not aware that the education of the Catholic ladies was conducted chiefly by those establishments, and that the lower classes more or less resorted to them for instruction. How would this inquisitorial inspection operate? The consequence would be that the Catholic ladies would go abroad for instruction, and, instead of receiving an English education, they would receive a foreign education, and the great body of the Catholic ladies would be educated as foreigners. But what would be the effect on the lower classes in Ireland? It would be most serious. At present there were attached to the convents in these countries schools, where the children of the poor received an admirable education. In the town which he had the honour to represent (Dundalk), the nuns educated no less than 550 poor girls, and as many as 700 were educated by the nuns in Drogheda. This would be put an end to by such a measure as that now proposed, for it would be utterly impossible that any convent could exist if it were to be subject to public inspection; and the fear of such an inquisitorial power would drive them out of the country. The notions of the hon. Gentleman were founded on an entire ignorance of the nature of convents. There were two species of convents—one of contemplative orders, and one of active orders. There were only four houses in all England of the contemplative orders. As to the active orders, the persons placed in those establishments went out, and might be met daily in the discharge of their Christian duties. Every convent had a school attached to it. With regard to the supposed seclusion of the convents, he could give the hon and learned Gentleman means of seeing any of the convents that he chose. The hon. and learned Gentleman might go to the convents and ask any question he pleased; to which he would receive the most open and unreserved answer. It, perhaps, might not be known to the hon. Gentleman, but he could assure him that there were scarcely any Catholic ladies who did not pass some portion of the year in some religious house or other; and there was no convent in which many ladies were not constant guests, and perfectly acquainted with all its internal management. There was no private house of an individual, the ways of which were so well known as those of the convents. This being the case, he would ask, was it possible that those strange things stated by the hon. and learned Member could have occurred? As to the government of the convents, they were, in point of fact, so many republics. No lady could be admitted as a member of a convent without three ballots—in which one black ball would exclude. They elected their superiors and all their officers annually, and even the bishop could not interfere with the freedom of their elections. It was not probable that they would elect officers who would coerce and tyrannise over the inmates of the convent. Some people supposed that in a convent a priest had absolute authority. This was not so, for the priest was a mere chaplain. The priest had no authority over the nuns; he merely attended to perform his duty in celebrating the religious service. Every nun had power, by the authority of the Church, of writing, under her own seal, whatever she pleased, to the bishop, and that letter must be delivered to him. It was very strange that, with all these precautions, the hon. and learned Gentleman should harbour such suspicions as he had expressed—suspicions and notions which could have no foundation but in his own imagination.

MR. SERJEANT MURPHY said, he believed that the hon. and learned Gentleman who introduced the Motion had done so in perfect sincerity; but if he reflected, he would find that the popular opinion out of doors on the subject of convents was not gleaned from facts, but was based upon idle rumours, unsupported calumnies, and testimony upon which men could place no credence in a court of justice. He had been much pained to find the extent of misrepresentation which was made with reference to this subject. He had heard a clergyman of the Church of England at Liverpool addressing a meeting, composed for the most part of ladies of the upper classes, make use of the most flippant observations with reference to the conduct of nunneries, stating that they were places where none but priests had access, and that the priests were generally young men likely to find favour in the eyes of women. Did the hon. and learned Gentleman (Mr. Chambers) mean to impugn the purity of those establishments? No; but he had argued on the inconvenience of restricting the liberty of the inmates. He remembered, on his own circuit some twelve years ago, that a clergyman of the Church of England was indicted for having maligned a nunnery at Stockton, in the north of England, by stating that there were secret passages from it communicating with the residence of the priests, and that the most disgraceful connexions had taken place between the inmates of the two establishments. For this slanderous accusation he was tried upon a criminal information, found guilty, and sentenced to twelve months' imprisonment; but at the expiration of his sentence, the bishop of his diocese presented him with a living valued in the Queen's Books at 1,750*l.* per annum, which he now enjoyed. With such instances before their eyes, was it wonderful that popular opinion should be excited against these establishments? He knew the name of the man, and could mention it if any hon. Gentleman wished. A Bill similar to the present had been introduced into the House two years ago, and was repudiated by it as an insult to a large portion of the public. On that occasion the hon. Gentleman the Member for Berkshire (Mr. Palmer) had risen in his place and stated, as a magistrate and an English gentleman, that he, for one, would never consent to discharge the thankless office of a petty spy. He hoped that feeling would find an echo in the heart of every English gentleman who respected the privacy of his own hearth, and who would resent anything like an insult offered to the character of his female relatives. He denied there was any want of liberty in the convents in this country. On the occasion of the last debate upon this subject, he had read a letter from Dr. Ullathorne, Catholic bishop of the Birmingham district, in which he stated that no prohibition whatever existed as to egress from any convent in the kingdom. Certain hours were allotted to the visitings of friends; and he (Mr. Serjeant Murphy) could say that it was his greatest pride that three near relatives of his own were inmates of convents, and that he had always liberty to see them alone, and to share their unreserved confidence upon any subject which might press upon their minds. It was, he thought, impossible to overestimate the services of those convents in the diffusion of education and morality. When travelling on the Continent a few years ago, he had been informed that there were 6,000 nuns in the Low Countries, and that no instance had ever occurred of one of them endeavouring to escape. But the law in this country was quite sufficiently powerful to give redress, for the inmate of a nunnery might apply to her relatives, and she could at once be removed by a writ of *habeas corpus.* The hon. and learned Gentleman the Member for Dundalk had stated a fact worthy of consideration, and that was the balance of convenience or inconvenience which would be felt by banishing those ladies from the country. He had himself presented a petition two years ago from the inmates of a nunnery, stating that George III. had given them protection and a shelter when they fled from the revolution in France, and that if the inquiry threatened by Mr. Lacy's Bill were sanctioned, they would have to throw themselves upon the protection of France or of some other foreign country. There was hardly a single Roman Catholic lady in Ireland who did not owe her education to these establishments in one or other of the three kingdoms; and, again, there was a class of nuns, called the Presentation Order, who conducted the education of almost the entire female population of the humbler classes in Ireland. If, therefore, the House adopted this inquisitorial and unnecessary system, he believed in his conscience that it would put to flight every one of these communities, and reduce the education of the humbler classes of Roman Catholics in the sister country to a degree of destitution which it was lamentable to contemplate. The hon. and learned Gentleman (Mr. Chambers) had adduced one of the oddest reasons that could be conceived for legislating on this subject, when he said that there were no cases to be found of fugative nuns flying in the night and concealing themselves behind every hedge in order to escape from those who wished to detain them in forced confinement. He recollected a prurient publication, fell of all manner of calumnious malignity, being once issued under the name of the *History of Maria Monk,* who was alleged to have been starved, ill-used, and beaten in a convent in Canada; and it was curious to observe that when a case of oppression had to be brought forward, it was necessary to go to some remote part of the world in order to find it. But this case was investigated, and it was discovered to be a tissue of the grossest falsehoods and calumnies that had ever been concocted. He appealed to Her Majesty's Government, and especially to the noble Lord the Home Secretary, who was peculiarly charged with the guardianship of the peace of the country, and he asked him would he needlessly give his sanction to the introduction of a Bill conveying an insult that would rankle in the breast of every Roman Catholic in the kingdom? He, for one, must candidly declare that should Her Majesty's Government be unwise enough to lend their countenance to this mischievous measure, however humble might be his own personal influence in supporting their Administration, he would fling that influence to the winds rather than see his religion insulted by such legislation.

Mr. FREWEN said, he could instance a case that had recently come under his own observation, where a person had been confined against her will in a convent. She had called upon him, and he told her he was a Protestant magistrate. She said she had escaped from a convent, and was a Protestant. It appeared that her father was a Roman Catholic; but she went to reside with her aunt, who was a Protestant, and had become one, having had an opportunity of seeing the errors of her former religion. Her father had placed her in the convent, but she resolved to take the earliest opportunity of escaping, and had succeeded, after having been there a short time, in doing so. He mentioned the fact to show that these things did sometimes occur, and because he did not think the authorities of that convent had any right to detain persons against their will. For these reasons, he thought there ought to be a law to enable properly-appointed persons to visit these convents from time to time, and ascertain who the inmates were.

Mr. NEWDEGATE said, he could not help admiring the extreme dexterity with which hon. Gentlemen interested in the promotion of the interests of the Papacy had conducted the debate. No one could have managed the debate with more ability or authority than the hon. Member for Dundalk, who, during the Papal aggression discussions had acted as Cardinal Wiseman's secretary—

Mr. BOWYER: No; I beg to say I never was Cardinal Wiseman's secretary.

Mr. NEWDEGATE said, he must apologise for having attributed to the hon. Member an authority which it appeared he did not possess. He understood the hon. Gentleman had given a denial to the statement that relatives were not admitted to unrestricted communication with the inmates of these conventual establishments; and said that he hoped the House would not give credence to vague generalities. Did the hon. Gentleman suppose that the House would be misled into considering such statements as had been made by the hon. Member for Cheltenham (Mr. C. Berkeley) with regard to a near relative of his own—statements made on his own knowledge of facts—as vague generalities? The course pursued by the opponents of this Bill was to deny every statement made by its advocates, to assert the reverse, and then declare that they were the only persons conversant with the facts of the case. Why, it was that very circumstance that made the advocates of this Bill suspicious: these flat denials of all facts raised the presumption that there were some facts connected with convents which their advocates wished to conceal. If the effect of the measure should be to drive the inmates of these establishments out of the country, he was prepared to run that risk rather than leave convents open to the abuses which it was believed the system admitted of. The highest authorities—those like Ligouri, whose works were published under the authority of Cardinal Wiseman—contemplated as a known fact and system the detention of nuns against their will. He would, with the permission of the House, read a short extract from the writings of Ligouri, which described the state of an unhappy nun, who wished to abandon her convent:—

> "I add; grant that what you state is true; now that you are professed in a convent, and that it is impossible for you to leave it, tell me what do you wish to do? If you have entered religion against your inclinations, you must now remain with cheerfulness. If you abandon yourself to melancholy, you shall lead a life of misery, and will expose yourself to great danger and suffering—a hell here, and another hereafter. You must then make a virtue of necessity.
>
> "I have been accustomed to say that a religious in her convent enjoys a foretaste of Paradise, or suffers an anticipation of hell. To endure the pains of hell, is to be separated from God; to be forced, against the inclinations of nature, to do the will of others; to be distrusted, despised, reproved, and chastised by those with whom we live; to be shut up in a place of confinement, from which it is impossible to escape; in a word, it is to be in continual torture without a moment's peace. Such is the miserable condition of a bad religious; and, therefore, she suffers on earth an anticipation of the torments of hell."

Now he (Mr. Newdegate) told the representatives of the ultramontane policy of Rome in this House, that the people of this country were determined that they should neither establish nor maintain "hells upon earth," such as Ligouri described the convents to be to the unwilling inmates of them, within the confines of this free country. The hon. and learned Member for Cork (Mr. Serjeant Murphy), spoke as if there had been no suffering in these convents. But that had been proved in the courts of law, and he need only remind the hon. and learned Gentleman and the House of the case of "Fullam *v.* M'Carthy." In that case a gentleman had died in 1843, leaving a large family and property to the amount of 90,000*l.* Two of his daughters had become nuns. The father gave with each 1,000*l.* as her portion on entering the convent, which was the sum required of persons of their station; and as they were to be nuns for life, the father considered that they could have no further claim upon, indeed no further need of, any greater portion of his property. After the father's death, much to the surprise of their relatives, it was found that these ladies had been induced to sign a deed preferring claims to larger portions of their father's estate, with the purpose of making such additional portion over to the convent. The brother's testimony was, that he had great difficulty in seeing his sisters. Mr. M'Carthy deposed upon oath, that when he saw his sister Maria, she told him that she had been compelled to sign a deed by which she claimed a right to her late father's property for the convent—that she had cried and wept long after signing it—that the pen with which she signed it "might as well have been put into the hands of a corpse"—that he could have no idea of the mental discipline to which she had been subjected which required her to sign the deed, as if she did it voluntarily, and of her own free will? She also told her brother that he could not see her sister Catharine that day, because she was undergoing punishment. So much for the statement that there was no suffering endured, and no compulsion exercised in these establishments. He objected to young females being permitted to enter these convents when under age, because their property was then seized by the authorities in these convents. It was not a mere question of education or religion, but it was a serious consideration whether they should allow Cardinal Wiseman and the Pope to draw large funds from the money given to those convents, in order to promote the Roman Catholic religion. The terms of admission to these establishments were, that a certain sum should be paid down with each nun on her entrance, the interest of which would be sufficient to maintain the inmate, so that the capital accrued undiminished to the superior of the convent, and from the superior was transferred to Cardinal Wiseman or Legate Cullen, for use at their discretion, or for transmission to Rome. In addition to this, it was the object of the Papal agents to have any further sums that could be obtained after the fashion attempted in the M'Carthy case, vested in trustees for the use of the convent; and these sums came equally under the command of the Cardinal and of the Legate, as representatives of, and invested with, plenary powers by the Court of Rome. He warned the House that while this free country conferred many privileges, there were also responsibilities to be considered; and he was sorry to see hon. Gentleman setting themselves against the explanations the House required. He would remind them that in the United States, about eight years ago, there was a convent near Boston, in Massachusetts. There were strong rumours of evil proceedings taking place therein, with regard to which no explanations were given. One night, about twelve o'clock, the abbess was knocked up by a party of 200 men with their faces blackened, who peremptorily ordered her and her nuns to get up, pack up their clothes, and leave the convent. These men then lighted their lucifer matches, and the convent was burned to the ground. That was a summary proceeding, and it might be supposed that there was a legal remedy. But what was the fact? Was anybody punished? No, not a single person; but he believed a sum of 50,000 dollars was paid by the State as compensation. There was no legal inspection of convents in the United States, but the people took the law into their own hands—a system he did not wish to see adopted in this country. The inference he drew from this was, that in America Lynch law stood in the place of common law in England. He had no wish to see Lynch law prevail in England; but if the people believed that oppression was left unredressed by the common law, they might look towards the American alternative. He had been told by coroners that inquests could never be held in convents, as no evidence could ever be obtained; and that fact was a strong plea in favour of this Bill. As regarded the Roman Catholic Members of that House, they dared not vote for the Bill of his hon. and learned Friend (Mr. Chambers), as they would be in such case under the anathema of the Church—under a most painful curse. Cardinal Wiseman, on receiving a nun, pronounced the following words :—

> "By the authority of Almighty God, and his holy Apostles Peter and Paul, we solemnly forbid, under pain of anathema, that any one draw away these present virgins or holy nuns from the Divine service to which they have devoted themselves under the banner of chastity; or that any one purloin their goods, or hinder their possessing them unmolested; but if any one shall dare to attempt such a thing, let him be accursed at home and abroad; accursed in the city and in the field; accursed in waking and sleeping; accursed in eating and drinking; accursed in walking and sitting; cursed be his flesh and his bones, and from the sole of his foot to the crown of his head let him have no soundness. Let come upon him the malediction, which by Moses, in the law, the Lord hath laid on the sons of iniquity. Let his name be blotted out from the book of the living, and not be written with the righteous. Let his portion and inheritance be with Cain, the fratricide; with Dathan and Abiram, with Ananias and Sapphira, with Simon, the sorcerer; and with Judas, the traitor; and with those who have said to God, 'Depart from us, we desire not the knowledge of thy ways.' Let him perish in the day of judgment, and let everlasting fire devour him, with the devil and his angels, unless he make restitution, and come to amendment."

No member of the Roman Catholic religion who believed in the full power of the curses of his Church, could give his support to such a Bill as the present. And that was why many of them refrained from giving their support to a measure which, in all probability, their better judgment and better feelings sanctioned. The Protestant Members had a duty to perform towards their Roman Catholic fellow subjects by establishing the protection of the law around the inmates of convents—a duty which the Roman Catholics could not perform for themselves, but which it was the duty of Protestants to perform for them. He fully agreed with the arguments of the hon. and learned Member who introduced this measure, and was convinced of its necessity from actual experience. There were two convents in his (Mr. Newdegate's) neighbourhood, under one of which, he had been informed, cells were constructed for the detention of the refractory. In the other convent it was rumoured that attempts at escape had been made, and had failed; and whether these rumours were true or not, it was a fact that fifteen cwt. of iron stanchions were used soon after the escape had been attempted, and every window barred as closely as the strongest prison. Surely, such precaution, it might be fairly assumed could not arise from the perfect satisfaction of the nuns with their residence. These restraints tallied with the doctrine of Liguori, which inculcated the forcible retention of unwilling nuns. There had been other instances alluded to by the hon. Member for East Sussex (Mr. Frewen), and the hon. Member for Cheltenham (Mr. C. Berkeley); and however deluded they might be deemed, the Protestants of this country felt that the time was come for action upon their part. They did not desire to take this course in order to annoy their Catholic fellow-countrymen, but from a sense of duty towards those who would be helpless without their assistance, in order to secure to every individual, however feeble and unprotected, the benefits of the British constitution. Under these circumstances, he hoped that the Government would allow the hon. and learned Gentleman leave to bring in his Bill, and that he would persevere with it.

LORD JOHN RUSSELL: Sir, I greatly regret that this question has been brought before the House. A Bill on this same subject was introduced about two years ago, I think, and the House, having then considered the subject, thought proper to reject the Bill. It appears to me that there ought to be very strong grounds indeed for introducing a new Bill on the same subject; for, in the first place, we must consider that this is a country in which we boast of our personal liberty—in which we believe that we have provisions by law by which that personal liberty is secured—and secured, not only against the Government, not only against those who by means of authority would attempt to confine persons illegally, but secured against those who, by any forcible means, would detain a British subject against his will. Well, then, the real question is, whether there is a certain class of persons with respect to whom we should say that these securities of personal liberty are not sufficient—that the law of *habeas corpus*, and the other Acts which have been passed in order to make that law effectual, are totally inadequate—and that in such cases we ought to have separate legislation for their special benefit. I own, Sir, I should be sorry to come to that conclusion, because I cannot but think that if such is the case our laws must be generally insufficient, and that we should be obliged to provide, not only for such cases as those which have been referred to, but in other respects greater securities for personal liberty than we at present enjoy. We should be obliged to admit that our boasted laws, upon which depends the liberty of the British subject, are insufficient for the purpose for which they were framed. Well, then, let us see the special case which the hon. and learned Gentleman (Mr. Chambers) has made out for the introduction of his Bill. We are told that there are certain ladies of the Roman Catholic persuasion who have taken vows upon them, and who live in communities in certain private houses both in Great Britain and Ireland. It is confessed that there are no special laws in order to enforce their residence there; that there is no special protection given to the rules and canons of the Roman Catholic Church with regard to those establishments. Many of these ladies, I believe, have entered these houses from a spirit of sincere and deep devotion. They pass their lives in devout contemplation, soothing to themselves, and in performing what they believe to be their duty to God—if not in a way which we think wisely chosen, yet with great purity of intention, and in a spirit which no man ought to speak of without respect. And, Sir, let me here say, that it is more natural to females than to our own sex to entertain deep feelings of devotion, and to believe that by retirement and contemplation, by prayer and self-denial, they are doing what is grateful to the Almighty. There are others of those ladies who devote themselves to more active duties; and if we are called upon to respect the pious intentions of the one class, we cannot but regard with approbation the practical services rendered to the human race by the other. I mean those ladies, one part of whom devote themselves to the work of education, as has been stated by the hon. and learned Member for Cork (Mr. Serjeant Murphy), who preside over large institutions of young girls, and who take care to teach them not only their religious duties, but to instruct them in useful arts, by which they become valuable members of society. I say that ladies who devote themselves to such a task cannot but deserve approbation, and I should be sorry to think that there were any Members of this House who would not express approbation of such conduct. There are other ladies who take vows, perhaps of a special nature, and who devote themselves to the most painful, and sometimes to the most disgusting, duties of attendance upon the sick, who watch night and day for the purpose of alleviating the pains of disease, and who become thus the best assistants to the physician and surgeon. Well, such being the case, I am asked, not whether I approve of these institutions, because upon that subject I should certainly exercise my Protestant judgment, but I am asked whether we should interfere by law in order to put special restrictrictions on, and submit to special examination, the houses in which those ladies have chosen to live. The hon. Gentleman who last spoke has pointed out one great defect, and I, as a Protestant, agree with him—a defect which not only attaches to, but which I say is inseparable from, institutions of this kind. It cannot but happen that young women who, in the enthusiasm of youth, from their own ardent and devotional dispositions, or perhaps the persuasions of their near relations (in other countries, I know, such persuasions have been used)—it cannot but happen, I say, that young women who have embraced a life of monastic retirement, should sometimes find that their dispositions are but ill suited to that life of monotony and restriction, and who have, consequently, many regrets after the world which they have left—who are discontented with the vocation which they have chosen, and who often wish that they had not bound themselves by the solemn vows which they have taken. We would wish, of course, that such persons had not taken such vows, and had not so bound themselves, or that they did not remain dissatisfied with themselves and with all around them in the houses to which they belong. But, Sir, when the hon. Gentleman (Mr. Newdegate) says that we ought not to permit, in a free country, such things to take place, he goes far beyond the remedy which is proposed by the hon. and learned Gentleman who brings forward this Bill; and, as I will presently show him, the remedy which he proposes is of a totally different nature; because when he quotes from the writings of Alphonse Liguori, and from other works, the exhortations, almost the threats, which are used towards nuns who repent of their vocation, it is evident that such arguments are used, not for the purpose of confining them by fetters and manacles, or by the dungeons to which he has alluded, under ground, but that they are addressed to the sensitive minds and feelings of those nuns, who are told that, having bound themselves by such solemn engagements, they have no right lightly to violate those engagements. I certainly agree with the hon. Gentleman that those arguments are hardly likely to reconcile such persons as he has described to the life with which they have become discontented—that the pangs of conscience and the mental struggles which are undergone in such cases must often be painful in the extreme; and if he were to argue, as a general question, that these institutions are often very injurious in their consequences, as a Protestant I could not but agree with him; but when I am asked to assent to a new law upon this subject, and when he tells me that in a free country we ought not to permit such things existing, I must tell him that the only law which would prevent such things existing is a law forbidding the existence of convents altogether. Because the chances are, that the persons who go to those convents are persons who would, in the first place, refuse to give the inspectors any explanation; that a lady having those feelings to which I have referred, would probably object to state her feelings and the struggles of her conscience to the inspector; and that if she was told, "The doors of the convent are thrown open to you; you may go into the world if you think proper; you may go to-morrow and live in the metropolis of England if you please;" the probability is, she would answer, "You are totally mistaken in my case. It is not the doors of the convent; it is not the bolts and the bars and the locks which confine me; it is my sense of obligation; it is the thought that I have taken a vow which I must keep, and that I will commit a great sin if I violate that vow." How would the hon. and learned Gentleman's Bill apply to such a case as that? In what way would it meet it? It must be evident that it would be utterly inefficient. And it must be evident, further, that, unless you cease to permit the existence of convents altogether in this country, you cannot reach the evils which the hon. and learned Gentleman has pointed out. But we have hitherto agreed to allow of convents existing in this country; hitherto, the law has not forbidden the consolations which convents afford to one class of females, or the practical uses to which they are applied in other cases, and I confess I am disposed to leave the question to the opinions and sense of the Roman Catholics themselves, and not to forbid the existence of those institutions. Well, then, we come to the more intelligible evil which the hon. and learned Gentleman who brought forward the Motion has placed before the House, and that is the evil of persons being actually confined in convents against their own will, and forced by physical means to remain in these institutions. I must say, in the first place, that with respect to evidence of such cases we have none. The hon. and learned Gentleman who brought forward the Motion stated some cases, and others have stated three or four; but these are all cases without positive names attached to them—without particulars being given — without those cross-examinations without which cases of this kind are very little worth, and without those positive proofs whch I think this House ought to require before they attempt any legislation on the subject. The hon. Gentleman the Member for Cheltenham (Mr. C. Berkeley) has stated that he was not allowed to see a near relation of his except in the presence of the superior. Now, as far as I can make out, that was not a case depending on any general law with respect to those (Roman Catholic) communities. That case, it seems to me, was entirely of a private and domestic nature; and it might have happened that a young lady, being a Protestant, had gone to her aunt or other friend, and that one of her nearest relations was not allowed to see her except in the presence of the lady in whose house she lived. It does not appear to me that that is a case which is inseparably connected with the institution of convents. But, Sir, there is a further reason—and it appears to me an unanswerable one—why we ought not to come to the conclusion to which the hon. Gentleman asks us to come. The hon. Gentleman says that the ladies are confined by force—that their personal liberty is denied them—and that the whole power of the British Parliament is required in order to set them free from the bonds by which they are detained. Now, if it is true that we live in a free country, don't tell me that the Roman Catholic gentry of Great Britain and Ireland are utterly dead to those feelings of political freedom which animate the subjects of this kingdom in general. Don't tell me, above all, that they are so destitute of the common affections of humanity that they would willingly see the laws of freedom set at nought, and the doctrines of slavery acted on towards their nearest relations, and that they have not the heart to stand up in this House and denounce that tyranny, and ask our assistance to take off their fetters. I cannot believe that if the evil referred to had existed to any extent, the Roman Catholic gentlemen of this country would not themselves have come to this House and asked us to pass a law in order to establish the freedom of their own near relations. For these reasons, Sir, I should be sorry to consent to the introduction of a Bill on this subject. But is that all the objection? Does the objection end with that statement? No; I think the objection goes a great deal further than this. It is not only that the persons of the Roman Catholic persuasion do not come and ask us to interfere on behalf of their female relatives, said to be detained in prison, but it is evident that they would feel it as a serious injury, and somewhat of an insult, if we were to attempt the passing of such a law. If we are to have any law on the subject—if any remedy is required, let it be a remedy that will apply to the whole nation. Let the Habeas Corpus Act be made more complete—let there be fitter means for all persons, whether Roman Catholic or Protestant, who are confined against their will, obtaining the interposition of a court of justice; but such is not the remedy which this Bill proposes. When such a remedy is proposed, it will be time enough for the House of Commons to consider its necessity. But it is proposed that application should be made to the Executive Government of the country—that the authority of the Secretary of State should be interposed, and that he should be asked to send down to those houses containing nuns, an inspector, armed with the power of investigation, if required. Well, I say that a remedy like this, differing from the ordinary laws of the land, and put in force by a Secretary of State, who may be called upon by the House to interfere in any case which may be got up by a popular gust of passion in the country—such Secretary of State belonging to a party who may possibly be favourable to Roman Catholics, but who, on the other hand, may possibly be hostile to them—I say, that such a power could hardly be used without exciting feelings of great indignation on the part of Roman Catholics that their religious institutions were unduly interfered with, and that not for any purpose of public policy, still less for any purpose of public necessity. You have heard some symptoms of those feelings in the declaration made by two hon. Members to-night, that if such inspection were authorised by Parliament, those who belonged to those institutions would immediately quit both this country and Ireland, and would establish themselves in other countries where they would not be liable to that inspection. I cannot conceive such an event happening—I cannot conceive the sisters and near relations of the Roman Catholic gentry of these two countries leaving this kingdom, without exciting the strongest feelings of resentment on the part of the gentry and middle orders both of this country and of Ireland. And I cannot conceive those who have conducted the education—those who have attended the hospitals and institutions for the sick—all at once going out as exiles from this country, without producing in the minds of the lower classes who have received the benefit of their ministration the strongest feeling that they are suffering a grievance at the hand of the Parliament of this country. Sir, I believe that our interference on this subject is likely to produce bad effects. I can see no sufficient reason for saying that the general law of this country is not ample for the protection of the personal liberty of all the subjects of this country. I see no reason to think so ill of our Roman Catholic fellow countrymen as to believe that they would behold without complaint their near relations immured against their will, or confined in contravention of the law, and to the destruction of their health and comfort. So feeling, Sir, upon this subject—having had before in this House a very similar Bill—seeing no likelihood that the present Bill would be at all more satisfactory to me than the Bill against which I voted two years ago—I must refuse my assent to the introduction of this measure.

Lord EDWARD F. HOWARD said, he was so much at a loss to conceive the object of the hon. Gentleman who had introduced this Motion, that he believed hardly any but themselves and those who happened to be in the secret with them, could have conceived that a Bill of this nature was about to be introduced. His reason, however, for obtruding himself at that time on the attention of the House, was to be found in the allusion which had been made by several hon. Members. One of them had quoted the case of a near and dear relation of his own—a much nearer and dearer relation was she of his (Lord E.

Howard's) own. Upon that point he should first meet the observation made by the hon. Member for Cheltenham (Mr. C. Berkeley). He (Lord E. Howard) did not know, he had not had time to ask, and if he had, he did not know whether he should have asked the lady in question, whether she was prevented from seeing the hon. Gentleman alone, while she was an inmate of the convent; but this he could say, that she had no wish to see him alone. He was obliged to the hon. Member for Cork (Serjeant Murphy) for the kind way in which he had adverted to these circumstances, and also to the hon. Member for Dundalk (Mr. Bowyer). The hon. Member for North Warwickshire (Mr. Newdegate), however, took upon him to say that it was against her will that the person alluded to had been in a convent at all; and whether he mentioned that on his own authority, or upon the authority of the hon. Member for Cheltenham, he did not know.

Mr. NEWDEGATE: I would not have said such a thing for the world. I relied upon the statements of the hon. Member for Cheltenham, and upon the correspondence which appeared in the newspapers.

Lord E. HOWARD said, he was not aware that any correspondence had appeared in the newspapers to that effect. Certainly he (Lord E. Howard) was by no means a bad authority, and he said that she had not been detained there against her will; and she had frequently referred not only to the period of her own experience, but also to the peace of mind and happiness which she had witnessed in those who live in such an abode; and so little did she regret her connexion with it, that she still carried on—oh it is disgraceful in English gentlemen to bring forward these private matters. I say it is disgraceful that I am obliged to bring forward the personal affairs of my own household to rebut these false accusations. I was going to say that she still carries on communication with many dear and esteemed inmates of that place. So far, he (Lord Edward Howard) thought, he had taken away a portion of the ground upon which hon. Gentlemen had based their arguments to show the necessity for this Bill. For the sake of these Gentlemen themselves, he wished they had stronger ground than that which he had been dealing with. A few other cases had been introduced by other hon. Members, who, if he might say so, ought to take great care to investigate the truth of the story, in each case, before they made use of it as evidence. He knew not what might have followed if he had not met at the outset the observations made upon his own case; and many examples had been quoted of the same kind—fictitious stories, like that of Maria Monk, which were fabricated and put into the hands of persons but too credulous and too much disposed to listen to them. If the House would pardon him, he might say a word or two further. For instance, the hon. Member for North Warwickshire (Mr. Newdegate), began with a detailed conversation, which, when he heard it, he might have thought he was listening to one of the imaginary conversations of Landor, about great quantities of iron that had been ordered for a convent. He might be allowed to remind him, that iron useful for keeping people in the house, might be as useful for keeping others out of it. Although there was nothing like riches or property to tempt intruders in their search after wealth into these houses, yet when they were aware, as they had heard, that these places were called "hells upon earth"—and aware of the statements put forth in papers of the National Club, and other humbugs, coupled with statements spread abroad, as the hon. Member had done, of what was transacted in America by Lynch law, and the like—added to the spirited exertions of the hon. Gentleman (Mr. Spooner) near him, *par nobile fratrum*, at Exeter-hall — the friends of these houses might not be without a reason for making them safe against assault. He trusted the hon. Gentleman who introduced this Motion did not go the length of entertaining those views. They were ready enough to take up anything that seemed to make for their case; but let them attend to what was said on the other side. He trusted he would be allowed, as a humble Member of that House, and a Roman Catholic, to thank the noble Lord, if he would permit him to call him, his right hon. Friend (Lord J. Russell), for a speech that stood out prominent from the narrow bigotry which the House had been obliged to hear expressed, and for giving credit to those ladies for the motives which actuated them, and for the works of mercy which they lived to perform—retaining no wish, and, having divested themselves of the means of passing a life of luxury, and fearing no infection, contented to spend themselves and their time in the houses of the poor and the sick. If the hon. and learned Gentleman who had brought in this Bill, who was well travelled in Acts of Parliament, had travelled only across the water, he would have seen these sisters of charity at large in the streets—and yet he talked of nuns being confined; he would have seen on the Continent thousands abroad engaged in acts of charity, wherever the need of charity was to be found, so that if they wished to run away, surely the greatest facilities were offered them for doing so. Oh, shame upon such nonsense! He begged pardon of the hon. Gentleman, with whom he had no acquaintance; he might be an amiable person—he had no doubt that both he and those who acted with him were amiable people—but such persons were liable to have their minds perverted, and consequences might follow from this course other than they had wished. He knew in this very town an institution in which a few poor nuns took charge of the most wretched and oldest of the poor—who nursed and attended those who otherwise would be without solace or comfort upon their deathbeds. Those poor nuns did not even eat other things than were left after providing for the sustenance of those under their care; and that which they obtained in the first instance were but the odds and ends obtained from the kitchens of the rich and the charitably disposed. These were cases which, he thought, entitled these ladies to some credit at least. He thanked the House for the kindness with which they had heard him. He was not accustomed to intrude upon the House; and if he had said anything in a more vehement way than the occasion called for, he begged pardon: he did not regret the sense of what he had said, but only the manner in which he might have said it. But he must say that, knowing what he did, and seeing the efforts which were made to throw discountenance upon charitable institutions, and to bring into a false light things which were not susceptible of such an interpretation, it certainly made him feel very warmly upon the subject.

MR. DRUMMOND said, his chief objection to this Bill was, that it would be, like the Bill introduced two years ago, utterly inefficacious. He did not believe in the power of any legislation by that House to make any amelioration of the system against which this measure was directed, or to separate that which was good from that which was bad in monastic institutions. He could not go the whole length many hon. Gentlemen did in blaming them, for he had seen the advantages of the Sisters of Charity, and other orders of that kind, abroad. He knew how much the recovery of the sick and wounded in foreign hospitals was owing to these ladies, and he knew how much the recovery of the sick and maimed in this country was retarded from the want of those who would nurse them for motives of charity instead of gain. Besides this, as he had previously stated, he did not think that any legislation on the subject would be effective—the case was so full of difficulty. When they brought in the Emancipation Act they made clauses as strong as they could against Jesuits and against monasteries; and yet they were increasing every year, and laughing in our faces. His objection to these institutions was not made on exclusively Protestant or exclusively Catholic grounds. He did not look at them from a religious point of view, as things relating either to sects or to Christianity; but he laid down this abstract doctrine, that it never could be right to lock up a number of women in a house, with bolts and bars, and then to give the key of it to any one man, Catholic or Protestant, layman or priest. That was what he objected to; but hon. Gentlemen would turn round and say, there are no such chains and locks in this country. He would simply say that was the case, because in this country they had not their own way at present; but the establishment of these institutions was intended as a step towards their having their own way. There was a difficulty in proving cases here; there would be none if they would accept cases from foreign countries—from any place where the power of the priesthood was predominant. Hon. Gentlemen opposite might dissent from that opinion; the power of denial in some hon. Gentlemen was most marvellous; and the only way in which he could account for it was by supposing that Dr. Wiseman was correct, when he stated in a recent number of the *Dublin Review* that Catholic laymen knew very much better than to read books they had no business to read. They were not allowed to know anything about the matter—not allowed—not allowed. [*Laughter.*] He must not be interrupted by Gentlemen sent there by a particular order. He thought it wrong, he said, that there should be anywhere a number of the Queen's subjects who could not appeal to Her for protection—he cared not by what means, through the police, the constable, the magistrates, or others. He thought that their being prevented from so doing by any machinery whatever was a great evil. The affections had been spoken of, as if the affection of friends were a sufficient safeguard for the inmates of nunneries. But even the affections were not always to be relied on. What was more sacred than parental affection? And yet did they not see daily from the police reports that there were many parents so dead to parental affection as to misuse their children, to starve them, to produce their death by systematic cruelty, even to put them to death, in order to gain the burial fee? And did they think that parental affection was stronger among the higher classes than among the lower? That might happen here which he had seen in other countries; and abroad he had seen parents force some of their daughters into convents, that other favourite daughters might have larger jointures, and might be better provided for in the world. He believed there were many such instances; and he said there ought to be some remedy for them. As to a mere inspection of convents, it would be only diversion to the inmates for a month afterwards. But he would tell the House something of what went on even in the countries where there was some danger of exposure to Protestant eyes. This was a statement made to him by a priest who had left the Roman Catholic Church. [" Oh, oh!"] He admitted it was suspicious. But this was what he wrote:—

"I had been a curate officiating in the Roman Catholic chapel of ——. My niece was a boarder or pensioner in the school of the nunnery of —— from the age of four years to that of eighteen. As her personal guardian under her father's will, the duty devolved on me to ascertain from that young lady her intentions relative to her future state of life. I accordingly invited her to breakfast at my lodging in the chapel-house of that chapel, and put the question to her, 'Do you intend retiring into a nunnery or living in the world?' 'Nunneries,' she replied, 'are not such good places as you imagine. I would not pass my life in one of them for any consideration. As to the nuns, they are continually in a state of strife with each other; and the crimes committed by the young ladies, the boarders, are too shocking to relate. I assure you that such things are frequent among them.' I accordingly, with her approbation, placed her at a boarding school of high reputation in Dublin, where she remained until she married."

They were, in fact, useful as one great means by which the Popish treasury was kept supplied; that was the reason of their being kept up; not a bit for the sake of having ladies passing their lives in devotion. There was no grist behind that mill. Another document would explain another case. This was from a person whose name he could not give:—

Mr. Drummond

"Some time after the death of our young friend in Martinique we received a letter from an old and esteemed correspondent there, informing us that he had received a letter from the lady in the convent, expressing her gratitude to him for all that he had done for her and various members of his deceased partner's family, and further stating that there was a sum of 300*l.* due by that gentleman, her departed relative, to a family in Cork, who had suffered a great reverse of circumstances; adding, that she was sure if he had lived it would not have been allowed to remain unpaid; that, if she had not disposed herself of all her property, she would gladly discharge the debt, and entreating him, as an act of the greatest charity, to pay the amount. Our friend reminded us of the many sums he had previously paid, and of the fact of his having no assets of his late partner's applicable to the purpose; but he added, that such was his respect for the family and for the lady in the convent, that, provided he felt satisfied after an interview with her, that the facts were as she supposed, he authorised our paying the money. On receipt of this letter my brother went to the convent and saw the lady. He stated that our friend had requested us to make inquiries touching the family she had named to him. She expressed her great surprise, and declared she knew nothing whatever of any such family. My brother then told her all the circumstances mentioned in our friend's letter, when she seemed confused, but still declared she knew nothing of the family, nor of these circumstances. My brother, on his return to our counting-house, told all this with very great surprise to us, and we wrote off at once to our friend, supposing that forgery and fraud had been practised upon him. In a few days after, or it may be the next day, we received a note from the convent in the same handwriting as usual, requesting Mr. C—— would call upon the writer, which my brother did, and found the lady alone waiting to receive him, in a state of considerable agitation. The first question was, 'Mr. C——, did you write to Martinique?' My brother replied, 'I did.' The lady then said in almost an agony which astonished my brother, 'What shall I do? pray write off at once and say that the facts are all true, and that it was a silly mistake on my part.' My brother replied, 'How can this be, Miss? Is it true that you wrote the letter you told me you did not write; or is it possible that you knew the family of whom you told me you knew nothing?' This seemed to throw her into almost a state of frenzy, and she replied, 'I suppose I must tell you all; the fact is I never put pen to paper since I entered this convent; one of our sisters manages all correspondence, who is appointed for that purpose. She knows all the facts, and that is quite the same as my knowing them, so do pray write and tell our friend that it is all true.' It was in vain that my brother told her that such an explanation would never satisfy our friend. She only repeated, it is all true, and pray write to tell him so. My brother left her in this state, and on his return repeated the conversation in utter astonishment to us, and we wrote the whole as it occurred to our friend, who, in reply, thanked us for the course we had taken to protect him from the fraud intended, and stated that as he was then becoming an old man, it had been his intention to give up all his business affairs, and to return to his native country to end his days there, but that he was so shocked at what he had thus discovered, that he resolved to return to Europe, and end his days without returning to Ireland, which he accordingly did, and we corresponded with him in Paris until his death."

These were the sort of things that were taught in these institutions, and these institutions their promoters would cling to, because they were one of the means by which they hoped to establish Popery here. Now, he had no doubt the country was not prepared for the only thing that was proper—the entire suppression of monastic institutions. As to this Bill, he thought it wholly inefficacious. The question was a much wider one, as hon. Gentlemen opposite would admit. On the one hand it was determined to establish the canon law; on the other it was determined that it should never be established. Let them give each other credit for sincerity, and, stating the true question, deal with it, when the time came, on its merits.

MR. LUCAS said, he wished to express his acknowledgments to the noble Lord (Lord J. Russell) for his extremely generous and able speech, which he thought must have perfectly settled the question in the minds of every impartial and rational person in that House. The case had completely fallen through; they had been asked to legislate, and no ground had been shown for legislation; no case had been proved, no attempt had been made to prove one, to warrant their interposition. Nay, the hon. and learned Gentleman who brought forward the Motion had told them he was destitute of proof, and that it was because he was destitute of proof that he wanted Commissioners to be appointed to go into the convents and obtain evidence. Where were the pretended, the imagined, the supposed facts that had been laid before them? There was the case given by the hon. Member for East Sussex (Mr. Frewen) of a young lady put to the school of a convent by her own father, who ran away from school. Ran away from school! A case that did certainly sometimes happen in the world, but did not seem to him to require special legislation. There were other cases mentioned "in another place"—one that of a boy, the other that of a young lady living in the world, and there was that mentioned by the Bishop of Norwich, which, however, bore no relation to this question. As to the statements made by the hon. Member for West Surrey (Mr. Drummond), the hon. Member had read them, and they only needed to be read to be thought no more of. Where, then, was the case for legislation? If they could show him that—if they could prove that they had a basis for their proceedings—that there was tyranny practised within convict walls—that there was any breach of the law there—he would cordially join with them in their efforts for the removal of such evils. But they had no proof to offer—nothing but "cock-and-bull" stories—he begged pardon for such a low word, but the subject required one expressive of utter contempt—upon which to found their exceptional legislation. It was not necessary that a man should be Catholic or Protestant to form his opinion upon this question, for all must be of one mind when legislation was asked for, and no facts: nothing but anonymous statements were proffered as its groundwork. It was not for want of favourable circumstances they had not made out their case, for, for the last fourteen or fifteen years that he had carefully watched what was passing in the Catholic community, no year had passed without some case of alleged cruelty, mismanagement, or hardship being dragged before the world; but the moment it was investigated, it was found there was nothing in it, that it was a tissue of falsehood, and that the parties to the narrative were degraded and discreditable impostors. A crop of these facts came up every year. Persons of degraded and debased imaginations lived upon the filthy and abominable suspicions which formed the stock in trade of a certain class of so-called religious agitators, who made up a kind of spurious public opinion, which endeavoured to thrust itself upon that House. He had great respect for anything in the shape of English public opinion; but for that monstrous, and unnatural, and debased opinion which was represented out of doors by the Motions made on these subjects in the House, he had no respect whatever, but he regarded it with the greatest contempt. The hon. Member for North Warwickshire (Mr. Newdegate) had expressed his wish to protect the Roman Catholics from Lynch law; but he (Mr. Lucas) would meet any proposal to protect them against Lynch law by legislation of this kind with the regard which its obvious seriousness demanded. He was sure that candid, rational, calm-judging Members on both sides would unite in putting an extinguisher upon an attempt at legislation which, if it were successful, would do no credit to the character of that assembly.

MR. WHITESIDE said, the hon. Gentleman who had just spoken had expressed himself in a very manly and frank manner, and that he (Mr. Whiteside) would treat the question as an enlightened Roman Catholic, as that hon. Gentleman had treated it as a Protestant. He objected to the Bill, that it treated in a very narrow way a very large subject. There were, however, two main questions to be considered: one as to how the system affected the transmission of property; the other as it regarded personal liberty. The hon. Member for Meath (Mr. Lucas) said there was no case. He admitted that there was no strong case put before them. But was the House aware that the predecessor of the hon. Member for Cork (Mr. Fagan) had been obliged to bring before the courts in Ireland the whole history of the interior of a convent in Cork, in reference to the obtaining from a young lady of a most respectable Roman Catholic family a deed against her will? That was a case which went to the question of property, as affected by these institutions; and he, who had read the whole of the depositions, said that it was impossible for any man in a free assembly to tell them that a greater act of tyranny ever was practised, or could be practised, on a young woman than had been in that case. Well, that which was not to be exceeded by any records of the law, took place in the family of the late Member for Cork, Mr. M'Carthy. The young lady signed a deed against her will; and the late Lord Chancellor said she, having so signed, must be considered as a corpse, and that her hand must be considered as that of a corpse moved by a will which was not its own. Her affections were with her family, and she wished to transfer a considerable sum to her brothers and sisters; but the bishop and the sisters of the convent interfered, and she was made to give up her property to that institution. He wished to ask the hon. Member for Meath, and the noble Lord the Member for Arundel (Lord E. Howard), whether that was right? A married man, by the law of England, was not allowed to obtain from his wife the assignment of her property without her being examined apart by Commissioners for that purpose, from fear that the influence of the husband, or her affection, might make her do that which was contrary to her real interest. Could hon. Gentlemen then maintain that deeds of assignment, attested by nuns and priests, and lady abbesses, ought to be tolerated by a law which would not allow a married woman to make a deed of settlement in favour of her husband even, without a separate examination? Here, then, was a question which must be inquired into. They had four or five cases on the books in Ireland of assignments, in which the deed was no more the act of the party assigning than if it had been that of a dead body. He had heard the noble Lord (Lord J. Russell) quote the history and laws of other countries; for his part, he would not quote Russia or Austria, Spain or Portugal. He thought bigotry and tyranny pervaded those countries, and he hated both. But he had had the good fortune at one time to read the laws of Leopold the Tuscan, one of the best men that ever lived, who was the first sovereign that dismissed his standing army—because, he said, one who ruled for the good of his people could not require the support of bayonets—who, long before the voice of Romilly was ever heard, or the *Code Napoleon* thought of, enacted the most merciful code of criminal law that, up to that period, had existed in Europe. Roman Catholics, he said, might justly point to the Government of Tuscany under that enlightened man, to show the Protestants of this country how mercifully and equitably he governed his people. And what were his laws?—

> "As Leopold the Reformer discovered that parents sacrificed the happiness of their children to get rid of them, he ordained that girls should not be placed in the public schools till ten years of age, and that they should not be clothed in the dress of any convent before twenty, and not professed until liberated from the convent for six months; and even then not until after strict examination to ascertain their real inclination."

It was said of Leopold that he found Tuscany a wilderness, and left it a paradise, he having succeeded the last of the Medici, a worthless person. In 1780—the former ordinance was in 1775—

> "Leopold suppressed more than fifty convents. In those which remained, a female was not henceforward allowed to take the veil till she had reached thirty years of age. Inspectors of convents were appointed, their libraries were examined, and the monks were forbidden to read in their refectories any other books than the sacred Scriptures in the vulgar tongue; and they were bound to study theology in books sanctioned by the Government. Priests were submitted to a severe examination, not in forms, but in learning, and their income was increased."

He admitted that this great reformer suppressed a number of convents, but reminded those who would value the admission, that he did so with the perfect assent of the people by whom he was worshipped. His last law on the subject of convents, it would seem, did not allow females to take the veil till they were thirty years of age; and that was a fair age in Italy at which a lady might take the veil. It also subjected conventual establishments to inspection; but he did not wish to take undue advantage of that, admitting, as he did, the difference between appointing Roman Catholics as inspectors, and appointing Protestant gentlemen to perform the same duty. He did not think this Bill would be efficacious, but was quite sure that the entire question of the relation of these establishments to the State, in reference not merely to personal liberty, but also to the passing of property, ought to be carefully and comprehensively considered by the Legislature.

LORD JOHN RUSSELL said, the hon. and learned Gentleman was mistaken in supposing that he had referred to the laws of other European countries with regard to conventual establishments.

MR. FAGAN said, he had not intended to address the House on this most painful question, but as he had been pointedly alluded to by the hon. and learned Member for Enniskillen (Mr. Whiteside) in reference to a subject nearly connected with some relatives of his own, he could not refrain from making a few observations. The hon. and learned Gentleman had alluded to the case of the Macarthys, which had been brought before the Court of Chancery in Ireland. As the parties in that suit were near relatives of his own, he was intimately acquainted with all the facts of the case. A near relative of his, being possessed of a large personal estate, died intestate, leaving a large family, two being daughters in a convent, and, as such, entitled to share in their father's personal effects. Their rights formed the subject of investigation before the Court of Chancery in Ireland, and the Lord Chancellor decided, inasmuch as those daughters were nuns in a convent, and as the law of England in Catholic times did not permit such to inherit, that notwithstanding the difference in the law, the law in Catholic times was the law which would regulate his conduct and influence his decision. He had had communication with those two ladies subsequently to that decision, and he could assure the House that nothing like coercion had been brought to bear on them in their anxiety to obtain a fair share of their father's property, and to which he considered they were justly entitled. He had held communication with them in private, in the absence of the superioress, though it had been stated to-night that no one was permitted to speak with the inmates of a convent without the presence of one of those in authority there; and he could state that they had earnestly pressed him to use whatever influence he possessed to obtain for them their rights. He could bear testimony to the poignant anguish felt by those ladies when they found their names were so ruthlessly dragged before the public; and any person who was acquainted with their sentiments would hesitate before he joined in the statements of the hon. and learned Member for Enniskillen. He could state on behalf of these ladies that it was not only their desire but their anxiety that their share in their father's property should be applied to charitable purposes, even if it had been ten times the amount. Having stated this much, he hoped he might be allowed to refer to another subject. His own—his only daughter was educated at the convent of Clifton, and had the greatest respect for the excellent ladies who conducted that institution, and he could not allow a taunt to be uttered against them without standing up in his place to refute it. He could state that the hon. Member for Cheltenham (Mr. C. Berkeley) was refused an interview with the lady alluded to in the course of the debate, because she had objected to see him unless she was accompanied by the superioress. He had the authority of the superioress for stating, that no one seeking an interview with any lady in the establishment, whether postulant or nun, would be refused. He could not but express his regret that the hon. and learned Gentleman, who had exhibited so much talent, learning, and mildness, in bringing forward this Motion, should have commenced his career in that House on such a subject. The noble Lord the Member for the City of London (Lord J. Russell) had come forward in a manner to be expected from his antecedents. He had shown both spirit and determination in resisting an encroachment on civil liberty, for what was the tendency of the Motion but an infringement on the sanctity of private life? The only argument used by the hon. and learned Gentleman, who had introduced this Motion in support of his views, was, that the prejudices of the people of this country were in favour of legislation; but he had given no proofs, he had shown no reason why there should be legislation. What was the description of legislation recommended by the hon. and learned Gentleman? That private houses, in which some ten or twenty ladies might find shelter, should be visited by inspectors who would have no respect for the religious feelings of the community. If the Bill were countenanced by the House, it would be, as far as Ireland was concerned, the tocsin for religious feuds and discord. He hoped that such a measure was now brought forward for the last time, and that this evening would see the last attempt to introduce a Bill calculated to awaken religious animosities, and to renew those discords which he hoped to see at rest for ever. Such being his sentiments, he should give his decided opposition to the Motion.

LORD CLAUD HAMILTON said, he thought it was to be regretted that the hon. Member for Cork (Mr. Fagan) did not make his statement of that evening with regard to the Blackrock convent at the time when the question was before the courts—because the whole of the press throughout the United Kingdom had dwelt upon the remarkable case to which the hon. Member had referred, at considerable length, and every particular in connexion with it had been fully canvassed. Had the honourable Member, at the time, made the statement he had now reserved for several years, he could have been cross-examined, and the matter thoroughly sifted. After a long public trial, the universal opinion was, that a case of oppression and coercion was fully established. And what brought the case before the public? The trial was certainly not a Protestant conspiracy; for it was the Roman Catholic relatives of the young ladies who complained of a breach of civil liberty. And there was no ground for supposing that it had its origin in feelings of religious hostility. He should, however, pass from the hon. Member for Cork to the observations which had fallen that evening from the noble Lord opposite (Lord J. Russell). He regretted extremely that the noble Lord should have felt it his duty to state that he would not concede to the hon. and learned Gentleman who had made the Motion upon which they were then speaking, the privilege of being allowed to push this measure through even its earliest stages, so that it might be printed and placed in the hands of hon. Members without delay. He regretted the course which the noble Lord had deemed it advisable to take; the more because he felt that the question under discussion related to a subject which had taken hold of the public mind, and one with respect to which no inconsiderable amount of interest prevailed throughout the country; and the public would not be contented with the denial of those who were in favour of such establishments. There was a widely-spread opinion entertained amongst all classes of people that unfair proceedings were sometimes resorted to within the walls of monastic institutions, and that the inmates of those establishments were, in a great degree, without the pale of the British constitution. The public having the subject impressed upon their mind, would not rest satisfied with the present state of the law, unless it were shown that the opinions they had formed were without foundation. The noble Lord had told them that they ought to trust to the love of liberty in the minds of Roman Catholics. He (Lord C. Hamilton) could not accept, as the exponent of civil and religious liberty, the hon. Member for Meath (Mr. Lucas), who, with that boldness and explicitness which characterised all his addresses, had declared that he looked upon the Roman Catholic bishops and clergy as the constituencies who ought to return the Members for Ireland. Notwithstanding the noble Lord's remarks on that subject, he thought civil and religious liberty would not be very safe in such custody. But he would remind the House that most of the objections raised to the introduction of this measure, were not derived from the very able speech of the hon. and learned Gentleman who introduced this subject. It had been said, that if any such system of inspection were enforced, it would have the immediate effect of closing all these establishments in this country, and, forcing the inmates to flit across the Channel, to avoid this odious ordeal. Well, this was the threat. But what became of their statement when it was demonstrated that when these scared inmates had crossed the Channel, and left their native land, they would find in full force the very system of civil inspection which was declared to be so intolerable here? In France, in the Rhenish provinces of Prussia, in Bavaria, and in other Roman Catholic countries, a system of inspection of conventual establishments by civil authorities had long been in practice; and there were other restrictions as to the age of the parties forming these engagements, and the term for which they were allowed to be in force, which it had been found necessary, in these Roman Catholic countries, to enforce by law. These regulations were not the result of

Exeter-hall, or the result of Protestant bigotry, so often quoted by certain persons in this House; but arise from the abuses which occur in the absence of such restrictions. Such being the case on the Continent, this threatened migration may be treated as a bugbear unworthy of notice. He now wished to point out that the hon. mover of this question had not stated that he wished to have exclusively Protestant inspectors. He carefully avoided anything likely to create religious irritation—he proposed to leave the selection in the hands of a public Minister, high in the Councils of Her Majesty, and responsible to Parliament and the nation for the manner in which he exercised the power thus vested in him. Why, then, should it be assumed that these inspectors must necessarily be Protestants? We have Roman Catholic inspectors of Maynooth. These objections only increased his desire to see the Bill by which the hon. and learned Member proposed to carry out his views. None who heard his masterly speech—alike distinguished by research, ability, and moderation—could doubt that he was eminently qualified to get over all difficulties that might beset the subject, and avoid the evils that were so liberally suggested. On these grounds, he sincerely hoped the House would concede to the hon. and learned Member an opportunity of laying his proposed Bill before the House, so that the public might be able to judge of the expediency of the method by which he desired to attain the objects he had in view. In conclusion, he must be permitted, on his own behalf, and in the name of his constituents, who took a deep interest in this question, to tender his sincere thanks to the hon. and learned Member for the able manner in which he had taken up this subject, and expounded his views to the House, and to express his admiration of the ability which he had brought to bear on this subject, which was so vitally important to the best interests of society.

SIR ROBERT H. INGLIS said, he entertained too sincere a respect for the hon. Member for Cork (Mr. Fagan) to pursue further that portion of the subject in which the hon. Member took a personal interest; but he must be allowed to advert for a few moments to the observations of the hon. Member for Meath (Mr. Lucas). The hon. Member had assured the House that this Bill would be rejected by the union of all the candid, honest, and disinterested Members of which it was composed, thus assuming that only those who coincided in his views were possessed of honesty, candour, and disinterestedness. Now he (Sir R. H. Inglis) had been long enough in that House to know that every one supposed his own views to be honest and candid and disinterested, and therefore the hon. Gentleman was not entitled to assign such attributes to those only and exclusively who happened to support him in this question. But he must complain that the noble Lord the Member for the City of London had adroitly omitted all consideration of the reasons on which the hon. and learned Member who had moved the introduction of the Bill had founded his proposition. It was not true that history was an old almanack—it was a living and salient source of counsels and examples; and although it might not be very easy to justify this Bill by reference to individual cases falling under our own observation, it was not the less true that history proved that, from one end of Europe to the other, a necessity had at various periods arisen, and at this moment existed, for the adoption of some measure analogous to that now under the consideration of the House. Surely the people of England were entitled to as large a measure of protection under the law of their country, as the inhabitants of Bavaria or of Russia. This was not a question of the violation of religious liberty; it was a question, as it had been ably proved by the hon. and learned Member for Hertford, of the violation of civil liberty. If it were necessary in other countries to secure the religious and civil rights of the subject, it was equally necessary in this. The hon. and learned Gentleman the Member for Enniskillen (Mr. Whiteside) objected to this Bill, because it did not meet all the exigencies of the case. Now, although he himself would prefer a more comprehensive measure, yet he was of this opinion, that when a measure was proposed which offered a certain amount of good, he could not refuse his sanction because it did not grapple with all the evils. He would take all the good he could, and he would in this case call upon the House to give their favourable consideration to the Bill, so as to allow it to be brought in, reminding them at the same time that a similar measure had been introduced two years ago, and that they ought to extertain a proposition brought forward with so much talent and temper as the hon. and learned Member for Hertford had displayed.

MR. T. CHAMBERS then replied. He

said he must say his Motion had been met by the most systematic evasions he had ever heard. His case was, that civil liberty might be infringed in conventual establishments. Up rose the hon. Member for Cork (Mr. Fagan), and vindicated the purity of such places, which had not been called in question at all. That was the first instance of evasion. The question was one of liberty, not one of purity. He was told that his system was one of inspection, whereas, in fact, it was not. The hon. Member for Meath (Mr. Lucas) said that what he proposed was exceptional and insulting. He maintained it was not exceptional, and therefore not insulting. None of the opponents had ventured to combat any one of the reasons which he assigned. The fault to be found with the noble Lord (Lord John Russell) was, that he had omitted to do what the hon. and learned Member for Enniskillen (Mr. Whiteside) supposed he had done; well knowing everything about the Continent, he had avoided referring to it in the least. The noble Lord himself furnished him with an instance of evasion. The greater part of his speech was occupied in complimenting devout nuns who led a life of retirement, and active nuns who were so often seen moving about the streets. He (Mr. T. Chambers) had impugned the conduct of neither of these classes. It was said that inspection would drive all these institutions to the Continent. An hon. Member for one of the divisions of Essex had just informed him that for twenty years his father, being a magistrate of Sussex, visited a nunnery constantly twice a year, the reason of this being that the nunnery received a certain sum of money from abroad on the condition that the nuns were proved to be there; and it appeared that they were all reviewed by the hon. Member's father, and counted by him, to use his own expression, as they passed through a door, like sheep coming out of a fold. That neither frightened them, nor did them any harm. The noble Lord (Lord John Russell) had described, in most felicitous terms, what a Bill for this purpose should be. The noble Lord said the proper Bill would be one to amend the *habeas corpus*. Now, that was precisely the object of his Bill. The noble Lord further said that if the common law could not meet this case it would not meet any. But this was a special case, as was that of factory children. [*Cries of* "Divide!"] He would not further detain the House.

SIR JOHN TYRELL said, he should support the Bill. He confessed he could see no reasonable objection to the measure. His father had for many years visited the convent of Newall, under a provision in a will, which left to that establishment a certain annuity on condition that a neighbouring magistrate should certify that a number of nuns resided in it. In compliance with that provision the ladies of the convent had annually passed before his father, and no complaints had ever been made of that arrangement. The noble Lord the Member for the City of London had pronounced a high panegyric on those establishments; and the impression on his (Sir J. Tyrell's) mind was, that the noble Lord wished his speech of that evening to be put as a set-off against his introduction of the Ecclesiastical Titles Bill. The noble Lord had, in fact, seemed to have been anxious to regain the favour of the Roman Catholic portion of the Irish Members, which he had lost to so great an extent during the last few years.

Question put.

The House *divided*:—Ayes 138; Noes 115: Majority 23.

List of the AYES.

Adderley, C. B.
Aglionby, H. A.
Alcock, T.
Anderson, Sir J.
Bailey, Sir J.
Bailey, C.
Baldock, E. H.
Bateson, T.
Beckett, W.
Bentinck, G. W. P.
Biddulph, R. M.
Blair, Col.
Boldero, Col.
Booker, T. W.
Bouverie, hon. E. P.
Boyle, hon. Col.
Brand, hon. H.
Brisco, M.
Brocklehurst, J.
Brockman, E. D.
Burrell, Sir C. M.
Burroughes, H. N.
Chambers, M.
Child, S.
Cholmondeley, Lord H.
Clive, R.
Cobbold, J. C.
Codrington, Sir W.
Collier, R. P.
Colvile, C. R.
Compton, H. C.
Cowan, C.
Cowper, hon. W. F.
Craufurd, E. H. J.
Crossley, F.
Dashwood, Sir G. H.
Davie, Sir H. R. F.
Davies, D. A. S.
Drummond, H.
Duncan, G.
Dunlop, A. M.
East, Sir J. B.
Elliot, hon. J. E.
Emlyn, Visct.
Evans, W.
Evelyn, W. J.
Ewart, W.
Farrer, J.
Fergus, J.
Ferguson, J.
Filmer, Sir E.
Forbes, W.
Forester, rt. hon. Col.
Galway, Visct.
George, J.
Greenall, G.
Gwyn, H.
Halford, Sir H.
Hamilton, Lord C.
Harcourt, Col.
Hastie, A.
Hastie, A.
Heywood, J.
Hindley, C.
Hume, W. F.
Inglis, Sir R. H.
Irton, S.
Johnstone, J.
Jones, Capt.
Kendall, N.
Ker, D. S.
King, hon. P. J. L.
King, J. K.
Kingscote, R. N. F.

Kinnaird, hon. A. F.
Knight, F. W.
Knox, hon. W. S.
Langton, H. G.
Langton, W. G.
Lewisham, Visct.
Lockhart, A. E.
Loveden, P.
Macartney, G.
MacGregor, J.
M'Taggart, Sir J.
Malins, R.
Mandeville, Visct.
Maule, hon. Col.
Michell, W.
Moore, R. S.
Moreton, Lord
Morgan, O.
Morris, D.
Muntz, G. F.
Neeld, J.
Newdegate, C. N.
North, Col.
Oakes, J. H. P.
Pritchard, J.
Pugh, D.
Repton, G. W. J.
Robartes, T. J. A.
Robertson, P. F.
Sawle, C. B. G.
Scobell, Capt.
Scrope, G. P.
Seaham, Visct.
Smijth, Sir W. B.
Smith, W. M.
Smyth, R. J.
Somerset, Capt.
Spooner, R.
Stafford, A.
Stafford, Marq. of
Stanley, hon. W. O.
Stuart, Lord D.
Talbot, C. R. M.
Thompson, G.
Tollemache, J.
Trollope, rt. hon. Sir J.
Turner, C.
Tyler, Sir G.
Tyrell, Sir J. T.
Vance, J.
Vane, Lord A.
Verner, Sir W.
Vivian, J. E.
Vivyan, Sir R. R.
Vyse, Capt. H.
Walcott, Adm.
Warner, E.
West, F. R.
Whitbread, S.
Woodd, B. T.
Wyndham, Gen.
Wynn, H. W. W.
Wynne, Sir W. W.
Yorke, hon. E. T.

TELLERS.
Chambers, T.
Berkeley, C. F.

List of the Noes.

Atherton, W.
Ball, J.
Baring, rt. hon. Sir F. T.
Beaumont, W. B.
Bellew, Capt.
Berkeley, hon. H. F.
Bethell, R.
Bland, L. H.
Brady, J.
Bramston, T. W.
Bright, J.
Brotherton, J.
Brown, H.
Browne, V. A.
Byng, hon. G. H. C.
Charteris, hon. F.
Cobden, R.
Cockburn, Sir A. J. E.
Cocks, T. S.
Corbally, M. E.
Crook, J.
Crowder, R. B.
Devereux, J. T.
Duffy, C. G.
Fagan, W.
Fitzgerald, Sir J. F.
Forster, C.
Fortescue, C.
Fox, W. J.
Freestun, Col.
French, F.
Gladstone, rt. hon. W. E.
Glyn, G. C.
Goderich, Visct.
Goodman, Sir G.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Greene, J.
Gregson, S.
Grenfell, C. W.
Greville, Col. F.
Hadfield, G.
Hanmer, Sir J.
Hayter, W. G.
Headlam, T. E.
Heard, J. I.
Henchy, D. O.
Herbert, H. A.
Herbert, rt. hon. S.
Hervey, Lord A.
Heyworth, L.
Howard, Lord E.
Hume, J.
Hutchins, E. J.
Hutt, W.
Keating, R.
Kennedy, T.
Keogh, W.
Langston, J. H.
Lascelles, hon. E.
Lawless, hon. C.
Lucas, F.
Mackie, J.
M'Cann, J.
Massey, W. N.
Meagher, T.
Miall, E.
Milner, W. M. E.
Molesworth, rt. hn. Sir W.
Monck, Visct.
Monsell, W.
Moore, G. H.
Mulgrave, Earl of
Murrough, J. P.
O'Brien, C.
O'Brien, P.
O'Brien, Sir T.
O'Connell, M.
O'Flaherty, A.
Palmerston, Visct.
Pechell, Sir G. B.
Peel, F.
Phillimore, R. J.
Phinn, T.
Pilkington, J.
Pollard-Urquhart, W.
Portal, M.
Potter, R.
Power, N.
Price, W. P.
Ricardo, O.
Rolt, P.
Russell, Lord J.
Russell, F. C. H.
Russell, F. W.
Sadleir, J.
Scholefield, W.
Scully, F.
Scully, V.
Seymour, W. D.
Shee, W.
Strutt, rt. hon. E.
Sullivan, M.
Swift, R.
Thicknesse, R. A.
Towneley, C.
Vernon, G. E. H.
Villiers, rt. hon. C. P.
Walmsley, Sir J.
Wellesley, Lord C.
Wickham, H. W.
Willcox, B. M.
Williams, W.
Wilson, J.
Young, rt. hon. Sir J.

TELLERS.
Bowyer, G.
Murphy, Mr. Serjt.

Bill *ordered* to be brought in by Mr. Thomas Chambers and Sir Robert Harry Inglis.

TRANSFER OF LAND (IRELAND) BILL.

Mr. VINCENT SCULLY moved for leave to bring in a Bill to facilitate the transfer of land in Ireland, and stated that as he understood it was not intended by the Government to oppose the introduction of the measure, he trusted the House would permit him to reserve any statement he might have to make until he should move the second reading, which he should fix for the first open day, namely, Wednesday, the 29th of June. Before that period hon. Members would have ample time to consider the provisions of the Bill, which were of a very simple character.

Leave given.

Bill *ordered* to be brought in by Mr. Vincent Scully and Mr. Roche.

EXCISE PROSECUTIONS—TEA, COFFEE, AND CHICORY.

Mr. GREGSON said, he begged to move for a return, up to the present time, of the number of seizures or prosecutions made or authorised by the Commissioners of Excise, for the adulteration of tea, tobacco, pepper, and coffee; distinguishing the seizures or prosecutions for adulteration of coffee under the Treasury order of the 3rd day of August, 1852; and, any seizures or prosecutions under the Treasury order of the 25th day of February, 1853, for sales of mixtures of chicory and coffee without the required labels, in continuation of Parliamentary paper, No. 647, of Session 1851; and to call the attention of the House to the subject of the last-mentioned

Treasury order. The operation of the Treasury order of the 25th of February last had again exposed the poor man to the frauds of the unprincipled dealer. It was in vain to hold that *caveat emptor* was a sufficient protection, because the poor man had no opportunity of detecting adulterations. He hoped the right hon. Chancellor of the Exchequer would reconsider the order of the 25th of February, as the question was one which affected the colonies, the revenue, and the home consumer. The present system was nothing more than a licence to commit fraud—a licence which, it appeared, he was sorry to say, the trade had not been slow to avail themselves of.

Mr. HUME said, he would not oppose the Motion, as all returns of this kind could only tend to perfect freedom in all commercial transactions. He regretted, however, to see that the hon. Gentleman, who was himself a merchant of the City of London, should come forward and endeavour to put any shackles upon commerce. He thought the Order in Council, of the 25th of February last, was a wise order. If a tradesman committed a fraud, the law of the land was able to punish him; and, if people wanted to use pure coffee, they could buy a mill and grind it themselves. Every attempt of that kind was in contravention of the great principles which should govern the proceedings of this country.

Mr. J. WILSON said, he did not rise to oppose, but would suggest a modification of, the terms of the Motion, in order to render it more effectual for its purpose. When the question was under the consideration of the Government, it bestowed every care for the interests of trade; and had arrived at the conclusion that it felt it necessary to carry out the regulations it had laid down, and insist upon the law being no longer a dead letter, as had been the case. It was suspected that the Government did not intend to prosecute, but he had a paper which would show the contrary. It was now two months since the Treasury order came into operation, and in that time there had been 1,864 inspections of dealers' stocks, and no fewer than ninety-four convictions, besides 135 punishments of a minor character; and, only yesterday, no less than thirty-three convictions were obtained against dealers for mixing up the words chicory and coffee with other matter upon the covers of their packages. He thought he had said enough to show that the Government were in earnest; and he would say, for the information of dealers, that although, hitherto, the Excise had refrained from pressing for fines exceeding 5*l.* or 6*l.*, yet, if the practices were not discontinued, the full penalties of 100*l.* each would be enforced. It had been stated that the Treasury order had reduced the consumption of coffee. He would answer that statement by referring to a document in his hand, which showed that the quantity of coffee on which duty had been paid in the last two months was 6,221,000 lbs., against 5,940,000lbs. in the corresponding months of 1852, and 3,850,000 lbs. in the same period of 1851.

Mr. GREGSON, in reply, said, that all he asked was, that coffee might be sold as coffee, and chicory as chicory, and he hoped to induce the Government to adopt the very proper arrangement of the late Government upon this matter.

Return *ordered.*

BARNSTAPLE ELECTION.

Mr. W. O. STANLEY said, he rose to move an Address to Her Majesty for the appointment of a Commission to inquire into corrupt practices which took place at the late election for the Borough of Barnstaple. It had been proved before the Committee that there were eight cases of bribery at the last election, and that the Gentlemen who were returned were directly implicated in those corrupt practices. One of the unseated Members was for a long series of years a solicitor in the borough, was a noted electioneering agent, and, together with his partner, had been mainly instrumental in returning representatives to Parliament. It had also been proved that a long course of treating took place at the last election, beginning as early as February, and that many of the electors were corrupted by such treating. The evidence likewise showed that a considerable number of the freemen banded together at the time of the election, and would not allow themselves to be brought to the poll until they had received satisfaction for their votes. According to the system proved at Barnstaple, "satisfaction" meant either remuneration for what was called loss of time, or pecuniary contributions for charitable considerations. By referring to the evidence taken in 1819, with regard to the borough of Barnstaple, it would be seen that the very same system of corruption was practised at that period; and he hoped, therefore, that no opposition would be offered to his Motion.

MR. W. WILLIAMS seconded the Motion.

Resolved—

"That an humble Address be presented to Her Majesty" [which was read].

Resolved—

"That the said Address be communicated to The Lords, at a Conference, and their concurrence desired thereto."

Ordered—

"That a Conference be desired with The Lords upon the subject matter of an Address to be presented to Her Majesty under the provisions of the Act of the 15th and 16th of Her Majesty, c. 57; and that Mr. Owen Stanley do go to The Lords, and desire the said Conference."

DURHAM ELECTION—PETITIONS.

MR. BENTINCK said, he would now move for a Select Committee to inquire into the circumstances under which the petitions against the return of Mr. William Atherton and Mr. Thomas Grainger, for the City of Durham, had been withdrawn, and that the petition of certain electors of the City of Durham, presented to the House on the 20th of April, be referred to the said Committee. The circumstances of this case were as follows:—At the last general election, in July, 1852, Mr. Grainger, Mr. Atherton, and Lord Adolphus Vane, were candidates for the representation of Durham. The numbers at the close of the poll were:—Grainger, 576; Atherton, 510; Vane, 506. The two former were accordingly declared duly elected. Mr. Grainger died on the 5th of August subsequent to the election. On the 23rd of November two of the electors in the interest of Lord Adolphus Vane presented a petition complaining of the return of Mr. Atherton. At a late hour of the 25th of the same month, the last day for presenting election petitions, a petition, signed by two electors of Durham residing in London, and who voted for Messrs. Grainger and Atherton, was presented to the House complaining of the return of Mr. Grainger, who had died in the present August, and craving the seat for Lord Adolphus Vane. For this petition Mr. Davidson, who also voted for Messrs. Grainger and Atherton, was the sole security, and Mr. Coppock the sole agent. On the following day, the 26th, Mr. Coppock withdrew this petition, and the writ for a new election in the room of Mr. Grainger was issued. It might fairly be assumed that the petition was brought forward by Mr. Coppock, as the agent of Mr. Atherton, in the first place, to stay the issuing of the writ; and, in the second place, to induce the withdrawal of the petition against the return of Mr. Atherton. The election took place on the 2nd of December, and resulted in the return of Lord Adolphus Vane, against whom, however, a petition was presented. For this petition Mr. Davidson was the sole security, and Mr. Coppock the sole agent. On the 20th of April a petition, signed by five electors of Durham, was presented to the House, complaining of the withdrawal of the petition of the 25th of November, and praying that it might be remitted to a Select Committee. Such were the circumstances which had induced him to bring forward this Motion. He therefore submitted that a breach of privilege had been committed in the matter of the petition of the 25th of November, and that an attempt had been made to infringe upon the rights of the electors of Durham.

Motion made, and Question proposed—

"That a Select Committee be appointed to inquire into the circumstances under which the Petitions against the Return of William Atherton, esquire, and Thomas Colpitts Grainger, esquire, for the City of Durham, have been withdrawn, and that the Petition of certain Electors of the City of Durham, presented to this House on the 20th day of April, be referred to the said Committee."

MR. M. CHAMBERS said, he must oppose the Motion, on the ground that it would be a greater breach of privilege than that which it professed to correct. The hon. Member for West Norfolk (Mr. Bentinck), while stating that the petition against the return of Mr. Grainger was withdrawn on the 26th of November, forgot to add that the petition against the return of Mr. Atherton was withdrawn on the same day by Mr. Brown, the agent for the other party. Nothing was done between the 26th of November and the election on the 2nd of December, when Lord Adolphus Vane was returned; but immediately thereafter a petition was presented against the return of the sitting Member, and it was not until that petition had gone so far as to be on the eve of having a Select Committee appointed to try it that anything was heard of the present Motion. He believed that the Motion had been brought forward for the purpose of inducing the parties to compromise the petition that had been presented against the return of the sitting Member. It could have no other object, for they could not now go back upon the election that took place in July last, and the petition which had been withdrawn referred to that election. If the House assented to the course proposed, they would be lending themselves to the commission of a great breach of their own privileges.

Mr. MILES said, he thought that the conduct of the agents on both sides required to be looked into. He did not much care whether the appointment of the Select Committee was postponed till after the petition against the return of the sitting Member had been disposed of, or not; but the hon. Member for West Norfolk had made one statement, which assuredly deserved to be considered. It was to the effect that on the 25th of November, the last day for presenting election petitions, a petition, signed by two electors of Durham, residing in London, who voted for Messrs. Grainger and Atherton, was actually presented to the House, complaining of the return of Mr. Grainger, who had died in the previous August, and claiming the seat for Lord Adolphus Vane, without the slightest authority from the noble Lord. Surely this was a case full of suspicion, and one that demanded investigation. Their whole system needed revision, and he thought an inquiry should be made into the agency through which election petitions were presented to that House.

Sir JOHN TROLLOPE said, he, as Chairman of the General Committee of Petitions, had seen with pain the privilege of petitioning abused in the present Session in a grosser manner than he ever remembered before. The Committee over which he had presided had been made a complete stalking horse for every kind of abuse by the agents on both sides. Petitions had been withdrawn or paired off, and the labours of the Committee of Selection had been set completely at naught. It would only be becoming the dignity of the House to take some notice of these transactions; but he questioned whether the present was a very fitting opportunity, inasmuch as a petition in it was now pending. He thought, however, that the House should take the first opportunity of marking its displeasure at these practices.

Mr. HEADLAM said, that if the House appointed a Committee on this subject, they must appoint a Committee to consider the withdrawal of every petition. The best way of checking the evil was by making the parties pay the costs. These petitions had been withdrawn with the consent of both parties, and he hoped that the present Motion would at least be postponed until the petition now pending was decided.

Mr. MALINS said, it was absolutely necessary that the Parliamentary agents should be kept in proper order, and that they should be taught to treat that House with proper respect. Every Court required that the practitioners in it should conduct themselves with fairness and propriety; and the House was bound to see that Mr. Coppock and Mr. Brown did not trifle with it. This matter was of the greatest importance, for it concerned the dignity of the House and the privileges of the electors, and, therefore, if hon. Gentlemen opposite were sincere in their desires to promote purity of election, he hoped that an inquiry would take place. The present was by no means a frivolous case, and he contended that it was time the House took the matter into its own hands, and taught these Parliamentary agents that it was not to be insulted with impunity. He was surprised that the hon. Baronet the Member for Westminster had not risen in his place to support the Motion. What had become of all his professions? But no doubt it was with him as with other persons in the community—there was one rule for his friends, and another for his enemies. If the hon. Member could sit quietly by and tolerate such practices as these, he (Mr. Malins) could only draw a conclusion against his love of purity of election.

Sir CHARLES WOOD said, if they were to proceed in matters of this sort with anything like judicial harmony, they ought to avoid the tone taken by the hon. and learned Gentleman who had just sat down, and who had chosen to make a personal attack on his (Sir C. Wood's) hon. Friend the Member for Westminster (Sir J. Shelley), simply to create a party feeling; and that was not the tone and temper in which the House ought to proceed in these matters. With regard to what had fallen from the hon. Member for East Somersetshire (Mr. Miles), and the right hon. Gentleman the Member for South Lincolnshire (Sir J. Trollope), it would meet with no opposition from that side of the House. The system of presenting petitions and counter-petitions, for the purpose of pairing them off, was admitted by both sides of the House to be a gross abuse. He would not defend that side of the House, who had their share of Mr. Coppock's, as the other side had their share of Mr. Brown's, proceedings, which were not creditable to either side. In the case before the House, a petition had been presented against the return of Mr. Atherton on the 23rd of November, and a petition against Lord Adolphus Vane on the 26th, for the purpose of pairing them off. If any complaint was made, it ought to be against the withdrawal of the petitions. There was, however, something a little suspicious in the time of bringing forward this Motion, because if it was *bonâ fide*, as the matters to which it related happened in December, it ought to have been brought forward before this; and he thought it might be considered that the election petition which was now pending had operated to cause its being brought forward now. One or other of two courses ought to be pursued—either the question should be postponed until after that election petition was disposed of, or this case should be allowed to fall into the general inquiry into the question of the withdrawal of election petitions, a notice of Motion for inquiry into which now stood on the books, in the name of the hon. Member for East Surrey (Mr. Locke King) for the last day of this month. There was nothing in this petition to take it out of the whole inquiry, and he hoped the House would adopt that course. The House ought to go into the whole question of the abuse of the right to petition against the return of Members, which had, during the present Session, been shown to have led to gross and discreditable jobbing.

MR. WALPOLE said, that the last observation of the right hon. Baronet was well worthy of consideration, for there could be but one opinion on both sides of the House with regard to the abuse which existed of the right to petition, and its having been made the means of discreditable compromises. He regretted that the hon. Member for East Surrey had not persevered in his Motion for inquiring into all the petitions and counter-petitions which had been presented. [An Hon. MEMBER: It stands.] He was aware of that, but it stood on the paper night after night. He was not sure that that was advisable, for the presentation of petitions might go on until the end of the Session.

SIR CHARLES WOOD said, that what he had stated was, that it would be unfair to bring forward this particular question on the eve of the appointment of the Election Committee to which the petition against the return of the sitting Member for Durham was to be referred. With regard to the Motion of the Member for East Surrey, he had another Motion on the paper that evening for returns which would form the groundwork of his Motion for a Committee of Inquiry; but it would be useless to bring forward the Motion for the appointment of that Committee, until after the withdrawal of all the petitions.

MR. WALPOLE said, he had quite understood the right hon. Baronet. He did not object to the withdrawal of the present Motion until after the Election Committee had tried the petition against the return for Durham; but he meant to say that the hon. Member for East Surrey ought to have brought forward his Motion for a Committee of Inquiry on an earlier day. It was clear from what had occurred tonight that there would be no opposition to such a Committee of Inquriy, and he would suggest to the hon. Member for East Surrey to move at once for the Committee, so that they might inquire without delay into the withdrawal of all petitions, and the compromises which had been made. He would press on his hon. Friend the Member for West Norfolk (Mr. Bentinck) to withdraw his Motion, on the understanding that the whole matter should be inquired into.

MR. LOCKE KING said, that the reason he had not brought forward his Motion was, that he was told that there were so many Committees sitting, that it would be impossible to do so with effect, and that it would be opposed; but if the House was prepared to agree to it, he would move it now if he could do so.

MR. SPEAKER said, that as notice of the Motion was given for a particular day, it could not be made before that day.

SIR JOHN TROLLOPE said, that the appointment of the whole of the Election Committees would be finished by the last day of this month, for, unless any other petitions were presented, at this moment there were only eight to be provided for.

SIR JOHN SHELLEY said, having been so pointedly alluded to by the hon. and learned Member for Wallingford (Mr. Malins), he wished to say a few words in reply. It was a most unwarrantable attack made on him by the hon. and learned Gentleman when he was sitting by listening to what was said by Gentlemen opposite, and it required great powers of credence on his part to convince him that Gentlemen opposite were sincere in their desire for purity of election. It seemed to him that a miserable attack had been made on Messrs. Brown and Coppock, after their having refused to prosecute a

Member of that House who was proved to have been guilty of bribery. It was high time that some other tribunal should be found to try election petitions, and he was sure the country would see that it was also high time to adopt some other mode of voting at elections. The attacks should not be confined to Messrs. Brown and Coppock, but extended to every agent in every town in the country. He would say that out of that House it was not believed that they were very anxious for purity of election, when on an occasion that a Member was found to have been guilty of bribery, only seventy-seven Members of that House supported a Motion to prosecute him. If he was to propose to prosecute Mr. Bremridge, who had been proved to have been guilty of personal bribery, would Gentlemen opposite support him? He would, however, test their sincerity by putting a notice on the paper of a Motion to prosecute Mr. Bremridge.

Mr. WHITMORE said, that the agent who conducted the petition against his own return for Bridgnorth had confessed that there was no case against him; so that he (Mr. Whitmore) had been made the butt of Mr. Coppock, but not his victim. He should be glad to support this Motion if it were carried to a division. He believed that there was as much party feeling on the other side of the House (the Ministerial) as upon that.

Mr. W. O. STANLEY said, he very much doubted whether the House was in earnest in their proceedings against corruption. There was a Sessional Order on the books which stated that "if any one was elected or returned to that House by means of bribery and corrupt practices, the House would proceed with severity against the persons concerned." He had already given notice of his intention to call attention to circumstances which tended to criminate a late Member of that House. Three cases of bribery by Members had been reported to the House during the Session, and one was reported to-night stronger than any of them. Would the House notice such a flagrant case? During the discussions in this Session on the subject of corruption, attempts had been made to palliate it, saying that both sides of the House were equally bad. He might perhaps be allowed to doubt if they were equally bad on both sides. ["Oh, oh!"] Constituencies were not corrupt in themselves, but if Gentlemen drew large sums from their bankers, and gave them to their agents, and then sat down in the House congratulating themselves that they were not guilty of bribery, what could be expected? The country would not believe that the House was sincere in its professions until they acted up to the Sessional Order. If the Reports presented to the House were to be only waste paper, it would be better to put an end to Election Committees, and proclaim that they meant to be corrupt and maintain corruption; but he hoped to see the House determined to take such measures as that no Parliament should ever again be returned by means of such corruption as the last was.

Mr. E. C. EGERTON said, that after the speech of the hon. Gentleman who had last addressed them, the sooner the House got rid of the discussion of these matters the better; for when an hon. Gentleman, in the position of a Judge, told them that corruption on one side of the House was greater than on the other, he said, for the dignity of the House, and the good consideration in which it should be held in the country, the sooner they had Judges who laid aside violent language like that, the better for all parties. He was not there to justify any corruption; he only wished that all cases should be considered fairly and impartially, and he thought the subject brought forward by the hon. Member for West Norfolk (Mr. Bentinck) ought to be considered, for the proceedings of the last six months had tended to lower Committees of that House in the eyes of the country. He only rose to say that if Judges were to sit on those matters, their language should be of a different kind.

Mr. W. O. STANLEY said, he wished to explain that he had not accused one side of the House of greater corruption than the other.

Mr. SIDNEY HERBERT said, he thought that the less the House went back to rediscuss past and settled cases, and the less, likewise, that any attempt was made by any one portion of the House to fix a greater amount of guilt upon any other portion, the better it would be for the order of their proceedings. Since this question had been brought forward, Members representing the different sections of that House had spoken upon it, and they almost all concurred in this one opinion, that the subject to which his hon. Friend the Member for West Norfolk had called attention, was well worthy of the consideration of the House and of a Committee; but that there were suspicious circumstances attending, not so much the withdrawal, as the original presentation of the petition. The hon. Member for East Somersetshire (Mr. Miles) had suggested that the consideration of this subject should be deferred till a Committee was appointed to inquire into the whole of these questions; and he (Mr. S. Herbert) thought that the fact that this matter had been raised just at the moment when the election petition was to be tried relative to the city of Durham, ought to induce the hon. Member for West Norfolk to accede to the proposed postponement, because, if this question was to be discussed by a Committee, it was desirable that there should not be even the semblance of a suspicion that they were influenced by party feeling. There being a Motion on the books for the consideration of the more general question, irrespective of place, or party, or any other suspicious circumstances, it would be better to get rid of the present discussion, and at a later period allow the origin of this particular petition, and its subsequent withdrawal, to undergo full examination before a Committee, which should investigate the whole of the cases of this description.

MR. T. DUNCOMBE said, he did not think there was anything worthy of consideration in the Motion of the hon. Member for West Norfolk. It amounted to this, that, on 25th November, a petition was presented against the return of a dead Member, and that was complained of; then it was withdrawn, and that was complained of. It was not alleged that it was withdrawn without the consent of the petitioners, as in the case of Norwich, and that made all the difference. He would ask, had there been no petition now against the sitting Member for Durham, would this Motion have ever been heard of? If everything that was alleged was proved, what would be done to Mr. Brown and Mr. Coppock, who had only acted within the letter of the law? When the inquiry went further, and it was asked who instructed the agents, it would be found that it was a little coterie at the Carlton Club, presided over by the hon. and gallant Colonel opposite, who regulated the proceedings, and directed the agents whether they were to withdraw the petitions or not; and so Mr. Brown and Mr. Coppock were not so much to blame. In the Norwich inquiry, Mr. Brown was described as the legal adviser of the Carlton Club—that he was in the habit of sitting in one of the washing rooms there, or in some pigeon-hole, as the adviser of the hon. and gallant Colonel, and the late Secretary at War the right hon. Member for North Essex (Mr. Beresford). Of course he submitted to them when a petition was to be withdrawn or presented; and let not all the indignation fall on the agents, but let some of it fall on those who pulled the wires, and it would be found on inquiry that they were pulled by Members of that House.

COLONEL FORESTER said, as the hon. Gentleman had personally alluded to him, he wished to say a few words in explanation. The hon. Member stated that Mr. Brown was his legal adviser, and that questions as to the withdrawal of petitions were decided by him (Colonel Forester). It was unfair in the hon. Member, who sat on the Norwich Committee of Inquiry, to bring his name before the House, considering that he had nothing to do with the withdrawal of the Norwich petition until after it had taken place. The hon. Member now stated that he had given directions to Mr. Brown about it—[Mr. DUNCOMBE: No, I did not say so]—and that Mr. Brown consulted with him on the withdrawal of petitions. He had nothing to do with it. Mr. Brown was employed as an electioneering agent, and he received his orders from his client, and acted on those orders. With regard to Mr. Brown, he had certainly acted with him (Colonel Forester), and helped him with regard to elections previous to the presenting of petitions; but he (Colonel Forester) had nothing to do with petitions to the House; he denied having anything to do with them, and the charge made by the hon. Member was not what it ought to have been, considering that he had sat on the Norwich Committee of Inquiry, which he (Colonel Forester) attended.

MR. T. DUNCOMBE said, the hon. and gallant Gentleman had misunderstood him. He did not say that the hon. Gentleman directed Mr. Brown to withdraw the Norwich petition, but that he was the legal adviser of the Carlton Club, and that he had recommended the withdrawal of the Norwich petition.

COLONEL FORESTER: No Committee sat at the Carlton Club. I was the sole and responsible person.

MR. BENTINCK said, he must express his regret that the discussion had taken a party tone. He thought there was a strong case against certain parties for a breach of the rules of that House, and an infringement of the rights of the electors of Durham. He must adhere to the opinion he had originally formed. The hon. and learned Member for Greenwich (Mr. M. Chambers) said the Motion was made in order to get a compromise of the petition against Lord Adolphus Vane; but the date of the notice of Motion, and the petition on which it was founded, was an answer to that. The hon. Member for Newcastle-upon-Tyne (Mr. Headlam) said the petition was withdrawn on the 26th of November, by mutual consent. That was true; but why was it? Because it was necessary that the real and the sham petitions should be withdrawn before the writ for Durham, consequent on the death of Mr. Grainger, could issue. The fact was, that this sham petition had been withdrawn simply for the purpose of enabling the writ to be issued, and that the *bonâ fide* petition had only been withdrawn because its withdrawal was made the condition of the withdrawal of the sham one; and these were circumstances which he would undertake to prove if the Committee were granted him. With regard to what the hon. Member for Finsbury (Mr. Duncombe) had said of the agents, he quite agreed that agents were not the only responsible persons. They did their duty, whether or not that duty was contrary to the orders of that House; and he was not making war against them, but he was making war against fraudulent petitions, and against the whole system which permitted such things. He was sorry to divide the House, but he had pledged himself to various friends to test whether or not the House was in earnest in these affairs, or whether it was determined to deal with such a matter as a mere party matter, without reference to principles.

Viscount PALMERSTON said, he had hoped the hon. Gentleman would have agreed to the postponement of a decision on this point. He did not deny that this might be a fit subject for inquiry, though he thought the inquiry ought more to have been directed to the causes which led to the presentation, rather than to those which led to the withdrawal of the petition. But he thought the proper moment had not been chosen for the proposition, considering, in the first place, the long delay in making the Motion after the presentation of the petition, and its subsequent withdrawal; and considering, also, that the Motion was made so immediately before the sitting of an Election Committee to inquire into circumstances intimately connected with the subject which the House had now been discussing. Apart from all this, however, he

founded his objection to a decision, at the present moment, on the fact that an hon. Gentleman had that evening given notice of a Motion, fixed for the 31st of May, for a general inquiry into all cases of this kind; and, under these circumstances, he would move that this debate be adjourned to that day, and the inquiry in this instance then, of course, to merge into the general inquiry.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 107; Noes 74: Majority 33.

Debate *adjourned* till *Tuesday*, 31st May.

The House *adjourned* at One o'clock.

HOUSE OF COMMONS,

Wednesday, May 11, 1853.

Minutes. Public Bill.—2° Elections.

ELECTIONS BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. G. BUTT, in moving the Second Reading of this Bill, stated that its object was to diminish the expense of elections, particularly in counties. The House was aware that the law, as it at present stood, was fixed in 1785, by the 25 *Geo.* III., which provided that two days after the receipt of a writ, the sheriff should give notice of a county court, and proceed to the election, not later than sixteen days, and not sooner than ten days, after the receipt of the notice. The present Bill proposed that these dates should be reduced to ten and five days respectively. He thought this reduction of time would effect a considerable saving to county candidates, as the period intervening between the notice and the writ was generally that in which expenses were most multiplied. In boroughs, by the 3 & 4 *Vict.*, the returning officer, on getting the precept, was required to proceed with the election within eight days, and giving three days' notice. He proposed further to limit this time, in order to prevent the days of election conflicting with those in the counties. In the Universities he proposed to limit the polling to five days, which five days should fall between Sunday and Sunday. He had only to add, that this Bill would not interfere with the intentions of the noble Lord the Member for London (Lord J. Russell), but was merely intended to afford a practical mode of facilitating and cheapening elections.

Bill read 2°.

KILMAINHAM HOSPITAL.

VISCOUNT DRUMLANRIG, Controller of the Household, appeared at the bar, and presented Her Majesty's Answer to the Address of the House of Commons upon the subject of Kilmainham Hospital. It was in the following terms:—

"I have received your Address on the subject of the admission of maimed and worn-out soldiers into the Royal Hospital of Kilmainham; and having taken into consideration the representations you have made, I have directed that immediate inquiry shall be instituted into the state of that Hospital."

SHERIFF COURTS (SCOTLAND) (No. 2) BILL.

Order for Second Reading read.

MR. CRAUFURD, after presenting a petition from the Solicitors practising in the Sheriff Courts of Roxburgh in favour of the objects of his measure, rose to move that the Bill should be read a second time. He was anxious, he said, to take that opportunity of making a few observations, because he thought that a good deal of misapprehension of the views which he entertained upon the subject existed both in the House and in Scotland, and also because there was no small amount of misapprehension as to what were the objects of the Bill. The points at issue as between this Bill and that which was promoted by his right hon. Friend the Lord Advocate lay in a very small compass. These questions principally were the constitution of the Courts with regard to the conduct of causes, the subject of appeals, and the Judges to whom the conduct of causes should be entrusted. The House would be aware, from the several statements made and discussions taken, that in Scotland the Sheriff Courts were something akin to our County Courts in England, in so far as they were local courts; but it was necessary to add that in the Scotch courts there was no distinction admitted of law and equity, and that there was no limitation of amount in their civil jurisdiction, so that they could try causes of any amount. The Judge of the Court was in fact the Sheriff; he resided in Edinburgh, and was known by the title of Sheriff Depute. Originally it was he that did all the business of the office. And as he was the judge who tried the causes, he was obliged to reside within his county four months of the year, that being the time which was sufficient for the then existing amount of business. Since that time, however, the business of the Sheriff had been so enormously increased that now he was overloaded. He was not merely the judge of the county court in civil matters, which involved both law and equity—he was also a criminal judge, a magistrate of the county, a committing magistrate, and his jurisdiction included also Testamentary and Admiralty cases. In fact, such was the amount of business, and such the nature of it, that he was obliged for the most part of the year to be on the spot. Persons had constant occasion of resorting to him. The person who performed all that business was the Sheriff Substitute. Originally he was nothing else than the *locum tenens* of the Sheriff Depute when he was otherwise occupied, and when he was at Edinburgh practising in the superior courts. Originally these Sheriff Substitutes were not lawyers, but colonels in the army and captains in the militia. Things changed, however, and that was a system which did not work well. As far back as 1838 a great improvement was introduced into these courts. A small-debt jurisdiction to the extent of 8*l.* 6*s.* 8*d.* was given; the judge in the cases heard without appeal, and no lawyers were allowed to appear before him except by special leave. These courts worked well and gave general satisfaction, and although it might be there was rough justice done, still upon the whole they gave great satisfaction. So great indeed was the satisfaction of the people, and their confidence in that as a system, that when they saw the extended jurisdiction of the new county courts of England, and heard of their success, and knew that the practice in them was similar to their own small-debt court, the desire was strong to apply to Scotland the English system as far as it was applicable to that country. He deprecated that any one should suppose he had any wish to identify England with Scotland in law. At the same time he and those who agreed with him were disposed in the spirit of English lawyers, respecting the Scotch system, to take from the English system of law whatever they could find that was good, and appropriate it to Scotland. And they were anxious to assimilate the two systems, not by making the Scotch law English, or the English law Scotch, but by an eclectic process of taking all that was to be found good in both. The main evils upon which the two Bills, his own and that of his right hon. Friend, differed, were of a twofold nature. The Lord Advocate did not admit, to any degree, the existence of the two evils of which he complained, and did not, therefore, attempt even a modification of them. As the system stood at present the Sheriff Substitute was created in 1838 the local judge to all intents and purposes; he no longer occupied the position of a mere *locum tenens*, or played the part of an active agent of the judge himself, while the Sheriff Depute was at Edinburgh. The qualifications required of him were the same as those expected in the principal Sheriff; he was a lawyer. Although his appointment did in fact lie with the Sheriff Depute, his office did not drop with the death of his principal, so that in that view his appointment might virtually be said to be a Crown appointment. Appointed then by the Sheriff Principal he became the working judge in his county, and of necessity he was resident within his jurisdiction in consequence of the multifarious duties which he had to perform—duties in their number and their nature such as no one English judge was called on to discharge. Being to all intents the Sheriff of the county, and, indeed, the *alter ego* of his principal, he was yet practically under the control of the Sheriff Depute. None of the advantage that was gained from the sole attention of this gentleman to his duties would be lost under the provisions of this Bill if it passed into a law. On the other hand, the gentleman to whom lies the appeal from the local judge, was nothing more than a practising advocate in the Supreme Courts at Edinburgh, possessing all the dignity of the name and office of Sheriff, but being in fact nothing more than a practising advocate; in this respect something akin to what revising barristers were in England. But in Edinburgh he sits as a judge of appeal, and all appeals from his Sheriffdom must be to him. The right of appeal in Scotland lies, not merely on matters of law, as is the case in England, but also on matters of fact; and the consequence of these two circumstances taken together was, that the appeal lay to a judge who had no power to hear the evidence given, or see the witnesses, and yet had the power of revising the decision of him who had that opportunity. The whole of the proceedings, therefore, before the judge in the county, must be committed in full to writing—a process which resulted in great complication of papers and proceedings; and these papers when completed were laid before the Sheriff Depute in Edinburgh. These papers were laid before him in the same way that a case in England would be laid before counsel for their opinion. The judge had it in his power to inflict further expense upon the parties by ordering further evidence; but there, again, as he knew nothing of the conduct or demeanour of the parties giving evidence, he was quite incompetent to act as a judge of appeal. Again, the parties when they had sent up their papers, had no security that they would be read. Stories had been told, the worth of which was of little consequence to him or his case, but stories were told in another place of tests which certain parties hit upon for trying the Sheriff Depute on this point. It was said that in one case of appeal the papers for the inspection of the Sheriff at Edinburgh were sent up interleaved with rose leaves; that the case was affirmed, and the papers sent down again, but the rose leaves had remained undisturbed. Another of a similar description was told of an appeal that was sent up to Edinburgh, and, as is usual, it was sent up in the *avizandum* box. The box came down again in due time to the country with the decision affirmed; but unfortunately for the Sheriff or the parties there never had been any papers in the box at all. But he objected to the system on principle. It was an unheard-of thing, and he believed an impossibility, that any man who practises in the superior courts of law should be able to attend also to judicial business. Again, the appeal upon facts was from a judge who heard and saw the witnesses, to one who had no such opportunity; and yet the only mitigation of that circumstance lay in an accident—an accident that was much made of however—namely, that the Sheriff Depute did occasionally go into his own county, when, if he desired, he could hear the evidence. One of the strongest defences offered of the system was, that it was somehow connected with the stability of Government; but surely it was futile to say the stability of Government depended upon the Sheriff Depute, for that Government was weak indeed that depended upon such props. Well, then, so much for the appeal from the Sheriff Substitute. But if the Sheriff Depute went down himself into the county to try the cause, in that case, as he (Mr. Craufurd) contended should be the rule in all cases, there was no appeal except into the Court of Session; and this, after all, was what became of the arguments used in favour of having an intermediate judge of appeal. He said, he was perfectly willing to agree to a modification of his Bill; he was quite ready to admit that the duties of the Sheriff were too multifarious to be performed by one man, so that, if they were disposed to continue a Sheriff Depute and a Sheriff Substitute, provided they made them co-ordinate, and not subordinate the one to the other, he saw no reason against returning the Sheriff Depute as the executive officer of the county, to act as a magistrate and preside at elections, for then the Sheriff Substitute, or whatever else they chose to call him, would be the sole judge within the jurisdiction. So far, therefore, as the existence of two Sheriffs was concerned, he had no particular objection. But what he wished to see was, the abolition of the appeal upon facts, as being the grand evil of which he complained in the county court. Abolish that, and there was an end to the argument that the appeal to the Court of Session would occasion expense. It was from the appeal upon facts that the chief amount of the expense sprung. Everything in that case must be committed to writing, the pith and the particulars, every word of all that passed in the court or the country, must go down, and therewith grew the expense. The abolition of appeals of this kind was a principal feature of the Bill. Indeed, with a view partly to that, the first clause set out with abolishing both the present offices of Sheriff Depute and Substitute. But, as he said before, he was quite willing that one Sheriff should be returned to receive writs and preside at elections, and discharge such other ministerial duties as the public business might require. All that he said was, that they ought to make a division of labour between them—that one ought to be constituted the local judge, and that no appeal should lie from him except with the Court of Session. Clearly, if the double office of Sheriff were abolished, the only quarter of appeal must be the highest Courts in the kingdom. From one man to another he saw no advantage in appealing, the more especially if the person appealed to had his hands full of business; and if he were an able lawyer that was sure to be the case; for then he was likely to take the least troublesome course, and affirm the decision of the judge in the country, which he would be the more likely to do if he had confidence in his Substitute. If, however, he did not affirm but reversed, then where was the satisfaction to be derived from two contrary decisions, one man saying "aye," and another man saying "no"? Yes, but it might be replied, the people were in fact satisfied with the system. Assuming it to be true, the answer cuts both ways. By the time the suitor reached the judgment of the Sheriff Depute, he was so much disgusted and exhausted with the expense and delay of the proceedings, that he was not much disposed to go further. The prospect before him at best was to the Lord Ordinary, and from the Lord Ordinary to the Inner House, and thence to the ultimate court of appeal, the House of Lords. What he wanted was, to cut down the number of appeals; and to that object two steps must be taken. There must be a local judge to hear the case with the witnesses before him, and to deliver his decision upon the facts. But inasmuch as that decision might miscarry, and a rehearing, such as was practised in England, might be desirable, he proposed something in the nature of the application to English judges for a new trial, which in the case of Scotland would be for a rehearing. That, he believed, would be quite a sufficient check upon the judge, in the first instance against error, for he himself knew instances where the Judge of the English County Courts, being mistaken in his first judgment, had granted a rehearing, and corrected his own error. He also proposed a jury clause, which was entirely optional. It was not that they thought the jury had been very successful in civil matters, but something was necessary by way of check, when you make the judgment of the Sheriff final upon the facts. He therefore proposed a jury of five, deciding according to a majority. It might deserve consideration, whether, although the majority were a good and convenient rule, it were not proper to say that where the jury were unanimous, no appeal should be allowed; and where the minority was large, there ought to be a rehearing before the Judge. His Bill confined appeals to matters of law simply; and in that case the appeal from the Sheriff Substitute would not be to the Sheriff Depute or to the Lord Ordinary, but to the Court of Session, much in the same way that appeals from the English County Courts lay to the full court in England. What he was desirous of seeing was, that these local courts should be made courts of the first instance, where suitors might come at a small expense and prove their facts, or get them admitted, and have a case stated, as admitted, which in England they called a special case, so as that the Court of appeal could, upon the case thus admitted on both hands, determine what the law was which was applicable to the facts. Such a system must be grossly mismanaged if it led to greater expense, and, if properly managed, it ought to be very much cheaper than that now in existence. That system, however, it was said, cost only 2*s.* 6*d.*, and no more. That was a strange statement. Properly understood, however, the 2*s.* 6*d.* thus exacted was the last straw that broke the camel's back. Documents after documents were increasing, involving an immense quantity of writing, and the 2*s.* 6*d.* that was paid for putting these papers in, was nothing like the expense incurred in appealing; that payment presumed that the expense of the papers put in had been previously incurred. In fact, the more he considered the subject, and the more he heard of the opinions expressed from all parts of Scotland, he felt convinced that a great change was necessary, so as to place the system of local judicature in Scotland, without touching its main principle, on a reasonable footing. English Members were hardly aware of the feeling which prevailed in the north in this subject. Appeals from public bodies, and petitions from influential meetings, had been most numerously sent up, if not exactly in favour of his own Bill, it was because they favoured the consideration of both, with the view of making one good measure for Scotland. But, although the Lord Advocate had not exactly rejected his measure, his course had been very much in the spirit of *sic volo sic jubeo fiat voluntas.* It was natural that lawyers should be in favour of that system which contributed most to profit themselves; he could understand that, for he was a member of the profession. But the great mass of the people of Scotland, the merchants and traders, the public bodies in counties, and commissioners of supply for the counties, and town councils, had expressed themselves very strongly in favour of a change to a much greater extent than was contemplated in the Bill of his right hon. Friend.

The LORD ADVOCATE: Of course, abolish the appeal upon facts, and another system of procedure became necessary.

MR. CRAUFURD continued to read the names of the public bodies which had petitioned in favour of his scheme, and of those that were not favourable. Glasgow, to a man, was in favour of a great reform in these courts; and a large public meeting was specially held to petition against the system of double Sheriffs. At the very least, therefore, he was entitled to say that the agitation of public feeling on the subject was very great in Scotland, and it did not exactly lie with the Lord Advocate to say that his view was the correct one. But the late Attorney General for Ireland (Mr. Napier) made an error when he assumed that the system now working in Scotland was the same as that existing in Ireland. For there the assistant barrister went round his district and decided upon hearing the witnesses, and if any case was appealed, the appeal lay to the Judges, who again went down into the district, and heard the evidence again before deciding upon the facts. That was a reasonable system. What he proposed was, that there should be a new trial, and that the judge who reheard should again take the evidence from the witnesses themselves. He had no enmity to the Sheriff Principal, or favour for the Sheriff Substitute; all he desired was a good and, as far as was consistent with goodness, a cheap system of local judicature for the country. He believed that the Lord Advocate had never himself had any experience in the office of Sheriff, and he should therefore like to hear the evidence of some of those Gentlemen who knew what it was, and who would very soon find out the points on which he was either right or wrong. It had been said of him, indeed, that he was a person inexperienced, and only an English lawyer; that he was dealing with subjects with which he was unacquainted, and had no business to meddle with. All he could say to that noble Lord (Lord Drumlanrig) was, that, Lord Lieutenant as he was, he might try his hand at drawing up a Bill for the reform of the Sheriff Courts, and thereby ascertain the better success which would attend his efforts. With these observations he submitted the Bill to the consideration of the House, and moved that it be read a second time.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. COWAN said, he was anxious to make a few observations to the House on this important question, from the fact that when the controversy, which was exciting so much attention in Scotland, first began, he was strongly in favour of the principle of abolishing the double sheriffships; but after having given much attention to the question, from an anxious desire to master it, and after consulting many eminent individuals who had been sheriffs, but who were now elevated to the higher position of the Bench, he had come to the clear and distinct conclusion in his own mind that it would be dangerous to abolish a system which, while it was certainly capable of reform, was yet eminently calculated to be beneficial to the people of Scotland. His hon. and learned Friend (Mr. Craufurd), while speaking in behalf of a single sheriff, had certainly adduced very cogent arguments in favour of the leading features of his Bill. He had told them of the carelessness of certain sheriffs, of the rose-leaves in the papers never disturbed, and of the box that was sent back containing grouse instead of law papers; but stories of this kind were not confined to sheriffs. Some hon. Members might have heard a similar story of a well-known Judge in the Court of Session, a very eminent lawyer in his day, but who was promoted to the Bench after he had survived his usefulness. On one occasion, when called upon to pronounce judgment, he saw a little old man in the court betraying the greatest anxiety in the cause, and the Judge asked, in his own peculiar way, "Who's that, who's that?" He was told that it was one of the parties in the case. "Oh," said the judge, "I'll decide against him, just to see how he looks." Stories of this kind might be told against all functionaries, and in fact proved nothing against the system. *Humanum est errare.* He was glad, however, that the authors of both Bills, No. 1 and 2, admitted that the present system, as carried out in the sheriff courts, was a perfect mockery of justice, characterised by expense, delay, and injustice. He was at a loss to understand how the Scotch had suffered under it so long, and supposed it was only to be accounted for by the fact that they were a patient and enduring people. He was unwilling to occupy the attention of the House, but he could not forbear giving one illustration of the working of the law. A gentleman, a well-known publisher in Edinburgh—he might mention his name, Mr. Black—was engaged in the publication of the *Encyclopædia Britannica,* the value of a single copy of which was 20*l.* The work was a great many years in the course of publication. He supplied an individual with a copy of the publication, but long before it was finished the subscriber died, and the publisher being unaware of that fact, continued to supply the numbers as they were published; and, on being completed, he was naturally anxious to secure payment. For this purpose he was obliged to raise an action in the Sheriff Courts against the representative of the deceased subscriber, who had obtained possession of the work, but he was baffled at one stage of the proceedings—he was called to prove the original order; he was asked to prove that the copies had been regularly supplied, while appeals were taken at every stage on subjects that were quite foreign to the point at issue. Thus, after a year or two's litigation, Mr. Black found that he had incurred an additional expense of 38*l.*—nearly double the value of the work; and though he was pressed to continue the suit on the ground of public justice, he said, "No; I will rather make the Court a present of the work:" and in all cases since he had made it a rule rather to sacrifice his rights—and heavy sacrifices these have often been—than go into the Sheriff Courts. Thousands of such instances might be adduced, and he rejoiced that there was now a prospect of rescuing the people of Scotland from this state of things, which was not essential to the constitution of the Sheriff Courts, but which had from various circumstances engrafted themselves upon their working, and perverted what was originally intended as a boon into an organ of oppression. His hon. and learned Friend who had introduced this Bill, appeared to think that the single sheriff whom he was about to create was infallible. To this he demurred, for he confessed his desire was, that every judgment, of whatever nature, and however small the amount involved, should be open to an appeal. This might, to the whole extent, be impracticable; but he was for opening wide the portals of the temples of justice to the most humble of the community. He rejoiced to think that there was a prospect now of a wholesome measure of reform being obtained. This was a matter of national importance, and it behoved Parliament to see that substantial justice was brought home to the doors of every man in the kingdom. His hon. and learned Friend said there were more appeals from Scotland than from any other portion of the United Kingdom. He believed that was so; and the House would remember that Sir Walter Scott, in his works, had illustrated this feature in the national character. The House would remember the words of Poor Peter Peebles; and that worthy might fairly be taken as the type of a class who were always restless and uneasy unless they had a good carrying plea in the Court of Session. Another amusing case was that of Dandie Dinmont, who sought the advice of Counsellor Pleydell in his plea against Jock o' Dawston Cleuch, though the whole value of the ground in dispute would not feed half a sheep. He believed that this state of things proceeded from the perversion of Courts of Justice from the purposes of their original constitution. He therefore rejoiced at the prospect of a wholesome and extensive reform being now obtained; and so strongly did he feel this, that if there were no alternative to the proposition of the hon. and learned Member for the Ayr Burghs (Mr. Craufurd), he would be prepared to give him his support. He did not wonder at the feeling of disappointment and vexation, and the demand for reform, that existed in Scotland. The people there had had a great deal to bear; they had been very patient under it. The matter was one of national concern and importance, and it behoved them to do everything in their power to remove whatever was injurious to the social character, or prevented harmony or good feeling in the community, and to replace that with something which was of substantial benefit. But he could not see that these objects were attained in the Bill of his hon. and learned Friend; and he would conclude by quoting to him a text, to which he hoped his hon. and learned Friend would give due weight. The text was this—He "that is first in his own cause seemeth just, but his neighbour cometh after and searcheth him." He would conclude by moving that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. EWART said, he certainly did not rise to second the Amendment of his hon. Friend. He must apologise for venturing, as an Englishman, to give an opinion upon a question of Scoth law; but, having listened with great attention to the arguments on both sides, he had formed a clear opinion in favour of the Bill of the hon. and learned Member for Ayr. The hon. Member for Edinburgh (Mr. Cowan) said there were abuses in other Courts, and he seemed to consider that those abuses justified the abuses that had been mentioned in the Sheriff Courts. [Mr. COWAN: No no!] He understood that his hon. Friend cited an instance of inattention in the Court of Session as an authority for inattention in the Sheriff Courts.

MR. COWAN said, he must beg to explain that he did no such thing.

MR. EWART said, all the inference he wished to draw from the stories that had been cited on both sides was, that because one man acted badly, that would not justify the bad acts of another. Be that as it might, he was not sure that what his hon. Friend had stated superseded their consideration of the question of a single Sheriff for Scotland. He could not conceive why one Sheriff, if he were properly appointed, should not do the business that was now performed by two. It was not the fact that the single Sheriff was proposed to have a final decision, because there was an appeal to the Court of Session; and, in fact, every appeal that existed against the decision of a County Court Judge in England was given there. He did not find that, by the ancient law of Scotland, double Sheriffs were necessary. On the abolition of hereditary jurisdictions, in 1747, only a single Sheriff was appointed; he therefore thought that there was no provision in the origin of the institution for a double sheriffship. But he altogether denied that they were bound by what already existed in Scotland. If a single Judge was found sufficient for the duties in England and Ireland, he did not see why two were required in Scotland. The hon. and learned Member for Ayr, indeed, had consented to waive the question of the single Sheriff; but his plan necessarily led to that conclusion, for if they agreed to abolish the appeal on the facts, there would be no necessity for a double Sheriff. Indeed the whole question came to this, whether there should be one or two Sheriffs? Considering the question as well as he could, he confessed he was not one of those who were generally in favour of resident Judges —first, because they might be in danger of being influenced by some prejudices; and, next, because it was almost certain that after a little time they would lose their knowledge of law. He had known resident Judges sitting as coroner, for instance, who had not retained that knowledge of the law which they possessed when they practised before the Superior Courts of England. The best course appeared to him to be to appoint a single Judge, who should frequent the courts of law, as was the case with the assistant barristers in Ireland. But if that could not be attained—if there must be a choice between a single resident Judge and a double Sheriff—he would be in favour of the former. He admitted that the Bill which the right hon. and learned Lord Advocate had brought in, would confer inestimable advantages on Scotland in several respects; but, having to decide between it and a Bill which included the principles of a single Sheriff, and the abolition of appeals on questions of fact, he felt bound to prefer the latter, and therefore he should vote for the second reading of the Bill of the hon. and learned Member for Ayr. Before sitting down he would say one word as to the question of the Select Committee. His hon. and learned Friend had applied to him to be a Member of the Select Committee, which was to consider the Lord Advocate's Bill and the present, if the second reading should be carried; but he had declined, as he was unable, from other engagements, to attend it. But he must say, that he did not see the use of a Select Committee, unless the Members had power to take evidence. He hoped, therefore, that the Lord Advocate wauld agree to this proposition, which he believed would give satisfaction to the people of Scotland.

MR. CUMMING BRUCE said, that the reason which induced the hon. Gentleman who had last addressed them to support the Bill—that it would do away with the double Sheriffs, was the very reason which induced him to oppose it, because he thought if they got rid of the appeal Sheriffs, they had got rid of by far the most important legal judicature in Scotland. The hon. Member for Dumfries (Mr. Ewart) had suggested that both Bills should be referred to a Select Committee, and that evidence should be taken upon them. If that were done, he was satisfied the people of Scotland might bid good-bye to any Bill this year. What would be the consequence of such a step? The Committee would have a great deal of evidence brought before them from all parts of Scotland, and the witnesses would repeat over again all the articles that had appeared in the Scotch newspapers, and all the pamphlets that had already driven the Scotch Members nearly out of their wits; and, after all, he believed that they were just as competent to decide without witnesses as with them. Therefore, seeing that the reading of the Bill of the hon. and learned Member a second time would involve great trouble and delay, and seeing that it injuriously dealt with some of the most valuable parts of their local jurisdiction, he could not support the Motion. The hon. and learned Gentleman must forgive him if he denied his statement, that the public opinion of Scotland generally was in favour of his proposition. He wished the House to understand that this was no new question; it had some years ago been inquired into by a Commission appointed for the purpose, which reported that the greatest advantage accrued from coexistence of the offices of Sheriff Principal and Sheriff Substitute. That learned body, the Faculty of Advocates in Scotland, had recently expressed the same opinion; and the members of the legal profession practising in the Sheriffs' Court of his own county, had declared their preference for the Bill of the right hon. and learned Lord Advocate, to that of the hon. and learned Member for Ayr. He was aware that the fashion of the present day was to imagine that an accurate knowledge of the principles and practice of law was not necessary to enable men to deal with a question like this; and it was considered that the best judges on such a subject were the town councils, commissioners of supply, and probably Sheriff Substitutes, who were not unwilling to step into the shoes of their principals. But he was one of those who were not disposed to exchange old lamps for new ones, or to take the opinions of town councils in preference to those of men of the highest eminence in the law with regard to the office of a single Judge. He hoped English Members would not be led away by the opinion that the office of Sheriff was at all analogous to that of the County Court Judge. He had not only to decide upon civil but upon criminal business—he was the first magistrate in the county—the first police officer—and he had many other important political functions which the Sheriff discharged, to the manifest advantage of the people of Scotland. The hon. and learned Member said that the public opinion of Scotland was in favour of the measure. Now, as far as he could judge, the Faculty of Advocates—comprising men who were connected with every class in society, men of the highest learning and ability—had come to the unanimous decision that the double Sheriffs should be retained. [Mr. CRAUFURD: Hear,

hear!] The hon. Member cheered that statement. He very likely thought the Advocates were looking after the patronage. But, well, what did he say to the opinion of a great class of men who were not eligible to office—the writers to the signet, and the solicitors, the attorneys of the highest class practising in the courts of law, and they also were unanimously in favour of the double jurisdiction. These were the opinions of gentlemen well qualified to give one, and undoubtedly they were well worthy the attention of that House. The hon. and learned Gentleman, in proposing his Bill, addressed his arguments not to the Bill of the right hon. and learned Lord Advocate, but to the system as it at present existed, and without taking notice of the amendments and improvements which the right hon. and learned Lord proposed to introduce. It was a curious instance of the Parliamentary times in which they now lived, and of the rapid changes of opinion, that only a few years ago the system of having a Judge that was non-resident, exempt from all local influences and unbiassed by party feelings, was thought a great advantage, and England was told to look at Scotland. But now that they had got local Judges in England, without waiting for the full development of their working, they were so proud of them that they called upon Scotland to take the same system, without considering the different circumstances of the two countries. But in Scotland, in the north at least, he knew that a strong feeling of clanship still remained, and he would be very unwilling to go into a court where there was but a single Judge, and where a case was to be tried between a Monro and a Mackenzie. He could recall to the House that, for the present system, they were indebted to the wisdom of Sir Robert Peel, and that the course pursued by that distinguished statesman had been attended with the most beneficial results. It was also alleged that incompetent persons were frequently appointed to fill the office of Principal Sheriff, for the purpose of rewarding political partisanship; but this allegation, he thought, was sufficiently answered by a reference to the list of eminent persons who had filled that office in the course of the last half century. [The hon. Member here read a long list of eminent men who had filled the office of Principal Sheriff in Scotland, including the late Lord President Hope, Lord Gillies, Lord Moncreiff, Lord Mackenzie, Lord Cuninghame, the present Lord President of the Court of Session, Mr. M'Neill, the late Mr. Spiers, &c.] That list, he contended, was sufficient to refute any imputation of a general system of jobbing in those appointments. The very reverse, he believed, was the fact. He admitted that there might have been some questionable appointments made under the influence of party feeling; but he maintained that these had been the exceptions, and that, in general, all Governments had been actuated by a sincere and earnest desire to appoint men well qualified to discharge the duties of the office. As far as his own experience went, he had had experience of four Sheriffs appointed in his own county by Whig Governments, and they had all been eminent men. Among these were Lord Cuninghame, who was now about to retire from the Bench, respected by all; Mr. Graham Speirs, a lawyer of great eminence, and Mr. Cosmo Innes, also a person of distinguished abilities. And even in the case of men who were not so competent, though not less upright, they had the power, in delicate cases, of consulting their brother Sheriffs at Edinburgh, and other eminent lawyers, and giving an advice grounded on their decision. And so strongly did he feel that advantage, that even if 300*l.* or 600*l.* were given to an eminent lawyer as a retaining fee to advise with the Sheriff Substitute in delicate or difficult points of law, it would be well spent. The office of Sheriff Principal had been characterised as a sinecure; but, so far from that being the case, important and onerous duties attached to it, which would be further increased by the Bill of the Lord Advocate, who proposed to require the Sheriff Principal to visit the county more frequently, thereby getting rid of the objection to his hearing appeals in Edinburgh, in ignorance of the facts. On these grounds he felt himself compelled to resist the Motion of the hon. and learned Gentleman the Member for Ayr. He believed that, if the House read this Bill a second time, and referred it to a Select Committee, as proposed, they might say good-bye to all law reform for Scotland during the present year at all events. He believed also that, if they did away with the office of Principal Sheriff, and had only one resident Judge, they would do away with one of the main securities for the upright and impartial administration of justice in Scotland. Believing, then, that the office of Principal

Sheriff was one of the utmost importance, he should give his cordial assent to the Bill of the right hon. and learned Lord Advocate, with such amendments as the right hon. and learned Lord had shown every disposition to favour; and should give the strongest opposition to the Bill of the hon. and learned Member for Ayr, which, in his opinion, was fraught with the most mischievous effects, and would inflict the most serious injury on Scotland.

MR. ALEXANDER HASTIE said, no question had of late years excited more interest in Scotland than that which they now had under discussion. The city which he had the honour to represent was unanimous in favour of abolishing the double Sheriffships. Though the hon. Member who had just sat down had not spoken with any degree of respect as regarded town councils, he was proud to say that the town council of Glasgow, as well as the town council of Edinburgh, comprising men who were quite as eminent as the members of any other body, had pronounced in favour of his hon. and learned Friend's Bill.

MR. CUMMING BRUCE begged to say, that he had said nothing disrespectful of town councils. What he said was, that the Report of the Law Commission was more entitled to weight than the opinions either of town councils or commissioners of supply.

MR. ALEXANDER HASTIE: The hon. Gentleman had stated that the lawyers of Edinburgh, and other parts of the country, were more able to decide on this question than town councils; but he (Mr. Hastie) would undertake to say that, whether they were able to decide on the question or not, the town councils were better acquainted with the feelings of the public, than any lawyers could pretend to be. The hon. Gentleman seemed to attach great importance to the fact that the Faculty of Advocates in Edinburgh were in favour of the Bill of the right hon. and learned Lord Advocate. Why, it would have been astonishing if it had been otherwise, because the members of that body all expected to be made Sheriffs of counties. But what was the case with respect to the lawyers who had no such expectations? The Procurators of Glasgow had unanimously pronounced in favour of a single Sheriff; the Society of Writers in Dundee, and the Society of Writers in Paisley had done the same. Now Glasgow, Dundee, and Paisley were the great commercial towns of Scotland, and he thought that they were quite as able to judge of their own wants and the wants of the people in general as even the Faculty of Advocates and the Writers to the Signet in Edinburgh. It was a mistake to say that his hon. and learned Friend the Member for Ayr (Mr. Craufurd) wished to do away with the office of Principal Sheriff. He wanted to make them all Principal Sheriffs. What was the position in which the Sheriff Substitutes were now placed? They had final jurisdiction in the Small Debts Court, and that jurisdiction the Bill of the Lord Advocate proposed to extend. They had also final jurisdiction in the Bankruptcy Court, and in the Criminal Court, both summary and before a jury. And yet these men, holding these extensive powers, were appointed by men who were perhaps of less, certainly not of superior standing to themselves. He had known many eminent men who had held the office of Sheriff Depute; but, without meaning any disrespect, he would venture to say, that of the gentlemen holding that office at present there were not more than three who had any practice in the Courts. It was of great importance that the *status* of the Sheriff Substitute should be raised; and it was, he thought, a great defect in the Bill of the right hon. and learned Lord Advocate, that it did not provide that Sheriffs Substitute should be appointed by the Crown. There was another point worthy of remark. A Sheriff Substitute could hold no other office; and what was his remuneration? He found that the fifty-two Sheriffs Substitute of Scotland had among them only 21,000*l.*—some of the salaries being as low as 284*l.* The whole system was exceedingly wrong. They had thirty Sheriffs Depute, and fifty-two Sheriffs Substitute—consequently there were eighty-two gentlemen discharging these functions, while he believed the half of that number would be amply sufficient, if the duties were properly subdivided. He would reiterate what he had before said, that the west of Scotland, almost to a man—certainly the county of Lanark, as well as the city of Glasgow—was in favour of the single Sheriffship. It was said that there was no use in sending for evidence with respect to the Bill of his right hon. and learned Friend the Lord Advocate, because there would be as much evidence on the one side as the other. Now, that might be true; but surely it would be well that not only the House but the country should be in possession of that fact before they decided on the Bill. There were many excellent things in the Bill of the right hon. and learned Gentleman—much that he would like to see speedily adopted—but, at the same time, his feeling was so strongly in favour of a single Sheriff, that he would rather wait for another year, in order to take the evidence, and deprive the country for that time of the benefit of this Bill. In the meantime, he would support the Motion of the hon. and learned Member for Ayr.

COLONEL HUNTER BLAIR said, he believed that public feeling in Scotland was not decidedly pronounced in favour of either of these Bills; and he did not see how they could get at the preponderance of the feeling without taking evidence before a Select Committee. With regard to the county which he had the honour to represent, he had to state that at the meeting of commissioners of supply the opinion was against the Bill of the right hon. and learned Lord; and hon. Gentlemen should recollect that these meetings in Scotland did not consist of commissioners of supply only, but that they were attended by all the gentlemen in the county, from the Lord Lieutenant down to the justice of the peace. For his part, he thought the question they ought now to discuss was, not that of a single or double Sheriff, but whether evidence should be taken before the Select Committee. A great deal had been said about the evidence that was taken before the Royal Commissioners in 1834; and he allowed that some persons of great eminence were examined before that Commission; but that was twenty years ago, and great changes had taken place in public opinion since that time. Then, again, others said that public opinion was so strong that there was no occasion for taking evidence now. But, as he said at first, he was ready to admit that great diversity of opinion existed; and the only way to get at the real state of the case was to take evidence before a Select Committee on the Bill of the right hon. and learned Lord. If the right hon. and learned Lord would now say that he would admit evidence to be taken before his Committee, he would vote against the present Bill, as he was not particularly in its favour; but if he would not, then he (Col. Blair) would vote for the second reading of the Bill of the hon. and learned Member for Ayr, though he would not pledge himself to support a single Sheriff. He had heard it said that if evidence were taken, there would be no hope of the Bill passing this Session. That might be true; but, on the other hand, he differed from the right hon. and learned Lord if he supposed that the people of Scotland would rest satisfied with his Bill in its present shape. He would rather have the question permanently settled, even though it should be by a few years' delay, than that it should be coming before the House of Commons year after year.

MR. E. ELLICE said, he could not agree with either of his hon. Friends who had spoken last, for he believed that in Scotland the universal opinion was, that lengthened delay would be deprecated on all sides. The main point in dispute was, not the details of the Bill, which, he was happy to hear, might be satisfactorily adjusted; but the point was, the appointment of the Sheriffs; and on that he believed that, after a mass of evidence was taken on one side and the other, the result arrived at by the Committee would be the same as that arrived at by the Royal Commission—recommending the House to proceed with the double Sheriffship. At all events, he had no doubt that, rather than sacrifice legislation during the present Session, the people of Scotland would be willing to abandon any opinions they might have formed on the subject. ["No, no!"] Assuming that the appointment of the Sheriffs was the great point, he would ask hon. Gentlemen what would be the effect of the change? The Crown had now, he believed, the appointment of some thirty-one or thirty-two Sheriffs Depute in Scotland, and behind these officers were fifty-two Sheriffs Substitute. He thought, however, that, although by abolishing the office of Sheriff Depute they might reduce the total number of Sheriffs to a certain extent, it would yet be necessary to maintain a larger number of these officers than the present number of Sheriffs Substitute, and therefore the Crown would have the direct appointment in Scotland of sixty-four or sixty-five Sheriffs. The patronage of the Crown would thus, of course, be materially increased. In the appointment of Sheriffs Depute at present, although political connexions had some influence in the choice, regard was generally had to the ability of the gentlemen selected; but he did not think it would be contended that politics had anything whatever to do with the appointment of Sheriffs Substitute. The Sheriffs Depute, being responsible for the manner in which the Sheriffs Substitute discharged their duty, appointed them solely with reference to their qualifications for conducting the business of the office; and he certainly thought it was very desirable that, in the appointment of resident Judges scattered over the country, political considerations should, as much as possible, be set aside. He considered that the groundwork of the present system was well suited to the circumstances of Scotland; and if the appointment of single Sheriffs, who were to be wholly resident within the limits of their shrievalty, should be determined upon, it was most improbable that men of any eminence in the legal profession would abandon their chances of success in Edinburgh, and of promotion to the Bench, for the appointment of a local judgeship in a remote district. With regard to the Highlands of Scotland, he conceived that the proposed measure would be entirely impracticable, because it was well known to Scotch Members that very few advocates could be found in Edinburgh who were conversant with the language used in that part of the country; and it would be quite useless to appoint Judges who did not possess such a qualification. But then there was another consideration. Many of the most efficient Sheriff Substitutes were not advocates at all—they were procurators and writers, brought up to deal with the lower class of the population, and well acquainted with their habits and feelings; but if there was any idea of sending down advocates from Edinburgh, into a sort of honourable banishment, to these remote country parts, with a salary of 1,000*l.* a year, his impression was, that the business would be as unfit for the man, as the man was unfit for his business. He had no doubt whatever as to the vote he should give on this subject. After all the investigation he had been able to give to the subject, he was satisfied that, considering all the circumstances of the case, the groundwork of the present system of double Sheriffs was the best that could be adopted; and he could not, therefore, hesitate in voting against the Bill of the hon. and learned Member for Ayr. He was confirmed in his opinion by resolutions which had been unanimously adopted by members of the legal profession in Fifeshire in favour of the continuance of the present system; and the same view had been taken by the Convention of Royal Burghs in Edinburgh, from whom he had that day presented a petition. Now, much had been said about the opinions of the town councils of Edinburgh and Glasgow; but this Convention represented the opinions of all the town councils of Scotland. ["No, no!"] He could state, without fear of contradiction, that the Convention was composed of delegates from all the town councils of Scotland, and it met in Edinburgh, with the Lord Provost of Edinburgh at their head. He had, therefore, no hesitation in voting for the Bill of the right hon. and learned Lord Advocate, in opposition to the one now before the House; and he would entreat the right hon. and learned Lord to proceed steadily with his Bill, and to bring it before a Committee fairly selected, but not to waste time by hearing evidence.

MR. FORBES said, he did not think that the House of Commons, which was chiefly composed of English Members, was competent to deal with this question, and he should, therefore, give his vote on the principle of having it finally and satisfactorily settled. He took it for granted that the House of Commons did not wish to have this question discussed year by year —and yet, sure he was, that unless evidence was taken before the right hon. and learned Lord's Committee, and the matter fully and fairly discussed in all its details, they would have to continue the struggle month by month, and year by year. On that ground he would press the right hon. and learned Lord, and he hoped he would consent, to allow evidence to be taken before the Select Committee, otherwise he (Mr. Forbes) would be compelled, however reluctantly, to vote for the second reading of the Bill of the hon. and learned Member for Ayr (Mr. Craufurd). If the right hon. and learned Lord consented to this, then he would beg the hon. and learned Gentleman (Mr. Craufurd) to withdraw his Bill, and he thought he would do so; but if not, then he would be justified in voting against him. He had only to say farther, that he had the utmost respect for the present Sheriffs Depute; a more learned, useful, and honourable body of men was nowhere to be found, and he had the honour of numbering many among them as his personal friends.

MR. CHARTERIS said, he differed from the hon. Gentleman who had just sat down, and who appeared to think that the question under discussion was not whether there should be an amendment in the forms of procedure in the Sheriff Courts, and whether there should be one or two Sheriffs, but whether evidence should be taken before the Select Committee or not. That was not the question. For his part, if the question had turned on any point where a knowledge of technical details or of legal information was required, he would not have ventured to address the House. But the question turned upon the broad and intelligible principle whether they were to maintain or to do away with the double Sheriffship, and upon that question he was anxious to say a few words to the House. He believed if the hon. and learned Member for Ayr had been as conversant with the working of the Sheriff Courts as he was with the English County Courts—the theory and working of which he so ably illustrated in the *Legal Examiner*, of which he was the editor, and in those Courts where he was a distinguished practitioner—he questioned whether he would ever have introducedt he present Bill—a Bill that would sweep away the whole constitution of the Sheriff Courts, which he (Mr. Charteris) believed to be sound in theory, and which certainly had worked well in practice. That theory was, to have a person as Sheriff Substitute residing as Judge in a district, so that justice might be brought to every man's door, while a cheap and ready appeal lay to the Sheriff Depute, a practising barrister before the Courts in Edinburgh, and consequently conversant with all that was going on in the Supreme Courts which he attended. The advantages of such a system were manifest. The knowledge of the Sheriff Substitute that an appeal lay from his judgment to the Sheriff Depute, made him more cautious in coming to a decision. The expense of an appeal cost only a few shillings, while an appeal to the Court of Session would not cost less than from *20l.* to *50l.* It had been said that in many cases the present Scotch Sheriffs were incompetent; but, although he would admit that there might be exceptions, he believed that, taken as a whole, the Sheriffs of Scotland were as efficient, able, and learned a body of men as could be found in the whole kingdom to sustain similar offices. He had reason to believe that returns which had been moved for, and which would speedily be presented to the House, would bear out his views in favour of maintaining the system of double Sheriffs. He was informed that, out of 14,000 cases decided by the Sheriffs of Scotland, only 110 appeals had been made to the Supreme Court. He would readily admit that there was at the present time an agitation in Scotland upon this subject, but it was no new agitation. Some years ago a similar agitation was got up, which failed in its object, as he was confident the present agitation would fail; and the hon. and learned Member for Ayr (Mr. Craufurd) was merely treading in the steps of Mr. Wallace, the late Member for Greenock. In 1834 the question was fully investigated by the Law Commissioners, men of the highest character and standing at the Scotch Bar, who reported their unanimous opinion that the proposed change—the abolition of double Sheriffs — would be highly prejudicial to the administration of the law in the local courts. That Report was founded upon the evidence of practical men, among whom were procurators, persons employed before the local courts, Sheriffs Depute, and Sheriffs Substitute. Among these would be found the evidence of Mr. Barclay, the Sheriff Substitute for Perth, who, he believed, had since changed his opinion —but there were other persons of equal eminence, and who held the same opinions still. He believed his hon. and learned Friend (Mr. Craufurd) attached no weight to the opinions of lawyers; and, for his part, he rather considered them as the natural enemies of the rest of the world—but still, when his hon. and learned Friend said that lawyers only looked after their own interests, he must remind him that, among the ranks of legal reformers, he would find the names of Romilly, Brougham, St. Leonards, Lyndhurst, and others —and he was persuaded that his learned and right hon Friend the Lord Advocate would prove himself no laggard in following their footsteps; and if he did not go the full length of the hon and learned Member for Ayr, it was because he felt that it was not consistent with his duty as Lord Advocate to introduce a Bill which he believed to be prejudicial to the administration of justice in Scotland. For his part, he believed that legal reforms in the hands of laymen would be exceedingly dangerous unless they were assisted by lawyers. If his right hon. and learned Friend were, indeed, actuated by improper motives—if his only object were to maintain a double Sheriffship for the advantage of that profession of which he was so distinguished an ornament—then he could understand the object of the hon. and learned Gentleman the Member for Ayr. But what would be the effect of the present Bill? At present the salaries of the Sheriffs Substitute and Depute (as we understood) varied from 250*l.* to 500*l.* a year. If they were assimilated to the position of County Court Judges in England, the number might be diminished, but the prizes would be greater, so that, in point of fact, the interests of the profession would still be consulted. As regarded the hon. and learned Gentleman himself, he thought no one would deny that, in his character of legal reformer, he was actuated by a sincere desire to promote the improvement of the law. There was no subject which a Member of this House could take up that would ensure him more favour in this House or among his constituents; but, however that hon. and learned Gentleman might gain the approbation of the House by the present Bill, he (Mr. Charteris) feared he could not congratulate him upon having won the approbation of his constituents. Some time ago he (Mr. Charteris) observed in the *Campbeltown Journal*—a statement disapproving the course pursued by the hon. and learned Member for Ayr, in introducing a Bill of his own on this subject, while the measure prepared by the right hon. and learned Lord Advocate had not been even read a second time, and had not received any consideration from the House. The Bill of the Lord Advocate was proposed to be sent to a Committee upstairs. That was the course that was pursued by the Scotch Members, when Lord Rutherfurd held the office which his right hon. and learned Friend now filled. It was the course pursued with regard to the Entail Bill, which altered the whole tenure of land in Scotland. No evidence was taken on that occasion—the Bill was discussed clause by clause; and when it was afterwards brought before the House there was only one division, on a trifling point. The same course was pursued with regard to the Scotch Police Bill, containing 400 clauses. That Bill was also discussed upstairs without evidence being taken, and the whole 400 clauses afterwards passed through the House in less than two hours, and without a single division. Although there was a considerable difference of opinion in Scotland on this question, he (Mr. Charteris) was satisfied that the feeling of the country was, upon the whole, favourable to the Bill of the right hon. and learned Lord Advocate. [Mr. Hume: No, no!] Was the hon. Member for Montrose aware that the merits of these Bills had been discussed at the meetings of the commissioners of supply, and that the proportions in favour of the measure of the Lord Advocate were eleven to five? He (Mr. Charteris) was satisfied that no advantage could be gained by taking evidence before a Committee, and, after the full discussion of the question which had taken place in Scotland, and the amount of information which had been printed and circulated, such a course was wholly unnecessary. If evidence were taken before the Committee, to the full extent that any hon. Gentleman wished, he was sure they would be no wiser than they were at present; for, whatever this measure might have been to others, it had been a perfect godsend to the printers—not a day passed without the Scotch Members receiving a mass of papers, all of them filled with the oft-told tale of the Sheriff Courts. He therefore thought that if they took evidence they would only get *vivâ voce* what they got now from these papers. He was anxious to see the undoubted evils of the Sheriff Courts as at present constituted done away with, and the forms of procedure facilitated; but he must protest against the delay which. if evidence were taken, would necessarily be entailed. He hoped the House would reject the Bill of the hon. and learned Gentleman (Mr. Craufurd); and he, for one, must protest against what he believed to be an attempt to cut and pare down those time-honoured Courts to the model of the English County Courts, the jurisdiction of which was comparatively limited, and which would be found, he believed, after further experience, to be faulty, in not possessing, as the Scotch Courts now possessed, an easy, cheap, and expeditious mode of appeal.

Mr. MACKIE said, he agreed with the hon. and gallant Member for Ayrshire (Colonel Blair), and the hon. Member for Stirlingshire (Mr. Forbes), and if the right hon. and learned Lord Advocate would agree, as he understood he did at a private meeting, that his Bill should be submitted to a Select Committee, where evidence would be taken, he would at once vote against the Bill of the hon. and learned Member for Ayr. But if the right hon. and learned Lord opposed that, he must vote for the present Bill. There was no person for whom he had a higher respect than for the right hon. and learned Lord, not only as an eminent lawyer, but as a distinguished politician; but he felt constrained and obliged to say that he had framed this measure rather with a view to consult the wishes and feelings of gentlemen at the bar, than the wants and desires of the people of Scotland. The House would be astonished to hear, that, notwithstanding the importance of the duties of the Sheriffs Substitute, as they had already been stated, still it was the Sheriffs Depute who appointed the resident Sheriffs. Such an arrangement was not consistent with common sense. He must also say a word as to the miserable and beggarly salaries that were paid to these men. They were required to reside a great part if not the whole of their time in the country; and he could state, from his own knowledge, that if these gentlemen had not private means of their own, they would not be able to maintain their position among the county gentlemen. When the salaries of the Judges of the Court of Session were increased from 2,000*l.* to 3,000*l.* a year, the salaries of these highly-educated men ought to have been increased in the same proportion. He also objected to the power being lodged in the hands of the Sheriff of not only appointing, but even dismissing, the Procurator Fiscal—an important officer in the Sheriff Criminal Courts—but who was liable to be dismissed without any reason being assigned, that the Sheriff might, perhaps, appoint some favourite of his own.

Mr. COLLIER said, he thought the Bill ought to be read a second time, because it was preferable to that of the right hon. and learned Lord Advocate. He did not doubt that the latter Bill would make some improvement in the law, but it was chargeable with very grave omissions, while it also retained the anomalous system of giving an appeal from a Judge who had heard the evidence to one who had not. That was opposed to all the true principles of law reform, which recognised the importance of *vivâ voce* evidence. Written evidence was very delusive, and infinitely more calculated to lead to error than *vivâ voce* evidence. The form of procedure proposed by the Bill of the hon. and learned Member for Ayr was in unison with that pursued in England, where an appeal was not allowed on the facts, but only on points of law. If that were adopted in Scotland, it would be an important step towards the assimilation of the laws of the two countries. Another objection which he had to the Bill of the right hon. and learned Lord Advocate was, that it retained in some cases the power of appeal before the case was terminated. It was very generally acknowledged that interlocutory appeals impeded the course of justice, and they certainly ought to be abolished. It had been urged against this Bill that the administration of justice would be less impartial if the Sheriff resided within the sphere of his jurisdiction. He could not believe such would be the case. The assertion was an insult to the Scottish character. The present was a question which could not be summarily disposed of. It ought to be further considered, and he should, therefore, vote for the second reading of the Bill.

Mr. JOHN MACGREGOR said, he regretted exceedingly that he should have the misfortune to differ from his right hon. and learned Friend the Lord Advocate. He regretted also that the Scotch Members had not been able to agree, as they usually did, among themselves whether they would take the one Bill or the other. He had no hesitation in saying that the great majority of the people of Scotland —the industrial and mercantile classes— were decidedly opposed to the continuance of the double Sheriffs. The hon. Gentleman who had last spoken had made some injudicious observations as to local influence over the decisions of a local judge. No one suspected the Chairman of the Quarter Sessions in England of being influenced by the local influences that surrounded him; and why should they suppose that that would happen to the resident Sheriff in Scotland? He wanted to do away with the absurdity of double Sheriffs. There was no country in Europe that maintained such an absurd jurisdiction. Why should they not allow an appeal from the local Judge to the Court at Edinburgh, and thus place the Sheriff Courts on the same footing as the County Courts, which had given so much satisfaction in England? He must say, though the Bill of his right hon. and learned Friend the Lord Advocate had found a majority in its favour in the Committee and in the House, yet the question of the Sheriffs Courts would not be in the slightest degree advanced towards a settlement. The people of Scotland had taken up this question with the determination that they would have their local Courts put upon a satisfactory footing, and, though small constituencies and counties might be in favour of the double system, the great majority of the people were decidedly opposed to it. He wished his right hon. and learned Friend had brought in a Bill which would have long borne the impress of his name, and gone down to posterity as a monument of his legislative fame. But he would say with confidence that this Bill would not be of that character, and that it would still leave unceasing cause for discontent. He maintained, also, that these Judges, if they were made resident, with a direct appeal from them to the Court of Session, ought to have a higher salary, and be elevated to a higher status than they now enjoyed. He did not believe that there would be any difficulty in obtaining resident Sheriffs of great legal ability, except with regard to the question of salaries. The present miserable salaries were disgraceful to the maintenance of judicial legislation in Scotland, especially when it was considered what a large proportion of Scottish revenue was paid into the British treasury. Even with regard to the right hon. and learned Lord Advocate himself, it would be impossible to find any great lawyer to accept the office if he were prohibited from practising in the courts of law. Now, he would wish to see the office put upon a higher ground—he should like to see him placed in a position analogous to that of Secretary of State for Ireland. There was a Secretary of State for Scotland, and an Under Secretary too, till the middle of the reign of George II.; and he thought that the Lord Advocate ought to occupy the position of the first, both in rank, dignity, and salary. No one could more worthily discharge the duties, or more efficiently, than his hon. and learned Friend. In conclusion, he trusted that his right hon. and learned Friend would not persist in pressing the second reading of this Bill, and that he would allow evidence to be taken before a Select Committee.

The LORD ADVOCATE said, after the long discussion that had taken place on the principles of the Bill, he hoped the House would indulge him for a very short time in stating the course which he meant to pursue, and in laying down the reasons which induced him to pursue it. Any other proceedings on his part at that moment would scarcely be respectful to the opinions expressed out of doors. His hon. and learned Friend said that he had complained of him as being only an English lawyer, and as trespassing on the manor of Scotch law, dealing strictly with a question which he did not understand—

Mr. CRAUFURD: I beg my right hon. Friend's pardon. I referred to the remarks of a noble Lord, and not to anything that fell from him.

The LORD ADVOCATE said, that he had never thrown out anything of the kind; on the contrary, the hon. Gentleman deserved all praise for doing his duty, in which Scotch Members would do well to imitate him. He would allow him (the Lord Advocate) to say that the speech in which he had introduced the discussion was distinguished for moderation of tone and ability of argument. But he (the Lord Advocate) found that his argument, so to speak, had been considerably modified since the first time that he introduced the subject to the notice of the House, and as regarded the main principle of the Bill, the elevating of the Sheriffs Substitute in the county, there had been a graceful but unquestionable renouncement of his scheme. The chief points of the Bill, as it was now before them, were the power of nominating the Sheriffs Substitute, the necessity for residence in the county, the extension of the amount to *50l.*, and the appeal on matters of law only. He should proceed now to explain what he thought of the Bill; but he hoped first to be allowed to state, what he expected to be able to support hereafter, what the practical results of the Bill would be if carried into effect. It would tend to make litigation more expensive — much more so; without being more expeditious, it would increase the expense tenfold. It would make business for the Court of Session, and places for the Bar of Scotland. He knew of no other result which it would produce. But before he went further, he wished to say a word with regard to the public opinion. He heard, with pleasure, the hon. and learned Gentleman say that there was a great difference of opinion upon the subject, because, if hon. Gentlemen would only recollect what had been stated on a previous occasion—if they would recollect all the documents and papers which had been poured in upon them, they would remember it was said that this was Edinburgh against Scotland—that it was the cry of Scotland resisted only by himself and the Edinburgh lawyers. He did not question the agitation which existed out of doors upon the subject. A similar exaggeration of public opinion existed in 1818, and was put down by an inquiry instituted the same year. Again, the same thing happened in 1835, and again it was put down by the Commission that sat that year, and took evidence, and made their Report, upon which an Act of Parliament was framed effecting the most beneficial improvements in the administration of justice, whereby access to justice was facilitated. The present agitation was not without a cause. The establishment of the County Courts in

England, and the success attending them, had given a great impulse to those who desired to reform the law; and the society of which he had the honour to be a member, the Law Amendment Society, not very conversant with Scotch law, had too rapidly generalised upon their five years' experience of these County Courts, which had been received as a boon, and which they wished to see established in Scotland. And the persons, very able he was quite ready to say, who held at present the office of Sheriffs Substitute, looked very reasonably, he did not say with envy, at the high emoluments of the English County Courts Judges, and the high position occupied by them, and these contributed in a considerable degree to swell the public voice. But as the agitation of 1818, and again of 1835, was put down, the present anxiety would in turn also be allayed. He wished for his own vindication, and for the sake of those who did not happen to know it, to direct attention to this expression of public opinion, which might be viewed in three parts: the opinion of the profession, of the counties, and of the burghs. He wished to see whether the lawyers and practitioners of Scotland, the counties, or burghs, were calling aloud for this measure of reform. He would ask hon. Members just to cross the Tweed with him. Across that boundary they came upon Berwickshire. Take the profession; the procurators and practitioners of Berwickshire, at a meeting of the body, declared the Bill of the hon. and learned Gentleman to be very objectionable, and especially the main principle of it, the abolition of the double Sheriffs. Well, they came next to Haddington, and there his hon. Friend the Member for East Lothian (Mr. Charteris) knew well enough that the procurators met and adopted a similar resolution. That brought him to Mid Lothian. He was not to speak of the Faculty of Advocates to the House, who would give them unanimously all the respect which that body so well deserved. But it was argued that they were not to be listened to because they were seeking their own gain; they were not to be listened to on this subject; and he confessed when he was accused of letting the advantage of the lawyers sway him more than that of the public, that, if he did err with the ablest lawyers of Scotland, such observations as these would not weigh with his judgment. The Writers to the Signet, it was argued, were not in favour of this Bill for a similar reason, because the existing system worked more for their advantage. The hon. Member who said that, did not know that they were not now eligible to the office of Sheriff, but that it was proposed in this Bill to make them eligible. He had referred to the Writers to the Signet, but he must add that they did not practise in the Courts—their chief business was not in practising in the Courts at all, but in the management of estates and as conveyancers. But being interested for the sake of their clients in the due administration of justice in the Courts, no body in the kingdom ought to receive more attention for their opinion than they. [The right hon. and learned Gentleman then read a very long extract from the unanimous Report adopted by that body unfavourable to the Bill.] So much for the Faculty and the Writers to the Signet. The practitioners before the Sheriff Courts in Edinburgh were unanimously of the same opinion. And now, as they were about to leave Edinburgh, he would ask again of the House to consider whether it was Edinburgh against the country. As for Glasgow, the House would find no quarter in which the Sheriff was resident in which the general wish was not that the Sheriffs should be independent. Wherever the Sheriff resided in the county, there for certain they were in favour of the change proposed by the Bill. Yet even in Glasgow, which he admitted was the headquarters of the agitation, not only now, but, from one cause or other, it had been so for many years past—even in Glasgow the meeting of procurators divided twenty-six to sixteen against his (the Lord Advocate's) Bill, while they were unanimously against one principle of his hon. and learned Friend's Bill—that of extending the powers of the Small Debt Court. In Stirling the practitioners were of the same opinion; so were they in Fife, as the hon. and learned Member knew; the same was the case also in Perth. In Dundee, no doubt, the Society of Writers were very strong upon this matter, and proceeded by resolution to disapprove of the existing system; and what their opinion as to the Bill was, might best be explained by their hon. representative. In Aberdeen the Writers were unanimously, or almost so, of the same opinion with those who opposed this Bill. The same was the case in Morayshire; but he could not proceed into greater details. Renfrew and Ayr were one way, Dumfries another, and Roxburgh was against him, but there the Sheriff was resident. What he begged the House to observe was this, that it was not a question of Edinburgh against the country. Now, then, as to the counties. Fifteen, he thought, sought no change, and therefore might be taken as supporting things as they were, five were for change, and eleven had decidedly expressed their opinion in favour of retaining the present system. He asked whether the outcry on this subject was such that it ought to lead him to distrust his own judgment and yield to the clamour that was loudest, had there even been a fair expression of popular opinion upon the question? Although, while he admitted popular opinion might point out where the evil exists, he did not think popular opinion the best guide towards devising a remedy in such institutions as Courts of Justice. But he was pressed to go into evidence at the period of the Session they were now come to. Every Member of the Faculty of Advocates, all the Writers to the Signet, had judged the present principle to be excellent. There was not a man who, if he had doubts upon the question, but must come to the Committee upstairs, were they to go to that. He was certain, though he gave the hon. and learned Gentleman the benefit of Dumfries, Ayr, and Inverness in his favour, yet if the Committee were to sit till August they would not be advanced one step further than they are now. He wished now to see what was proposed by the Bill. He said he should show the House that it would make business for the Court of Session, and places for barristers. The question affecting the places for barristers stood in this way. The hon. and learned Member (Mr. Craufurd) proposed to abolish Sheriffs Depute and Sheriffs Substitute, and to create, instead, resident Sheriffs in each county, who should be paid a salary of not more than 1,500*l.*, nor less than 1,000*l.* His hon. and learned Friend would find it impossible to conduct the business of the country with a less number than fifty-two resident Sheriffs. Now, assuming the salary to be 1,000*l.*, his hon. and learned Friend at once started with an expense of 52,000*l.* But that was a mere trifle to what the whole expense would be. The present Sheriffs Substitute would not be men fit for the office to be created by the Bill; they, therefore, would be entitled to a retiring allowance, which would not amount to less than 20,000*l.* So that, in fact, 70,000*l.* must be provided at starting for the support of an institution which now cost only 30,000*l.* How now stood the case with the litigant? The hon. and learned Gentleman said that his Bill was to make litigation cheaper. In order to that end the Bill must work in a way that it never could possibly work. Take for instance, Perthshire, and suppose the Bill were adopted; then would it impose a boon upon Perthshire? The commissioners of supply had repudiated this, so had the town council and the practitioners. The present Sheriff of Perthshire—one of the ablest of the body—decided upon the merits of 118 appeals in the course of the year, at an average cost of 10*s.*, and, in point of time, of three weeks' delay in each case. Now, what was intended to be done by this Bill? It was proposed that in all causes under 10*l.* the decision should not be appealed against at all; and in respect to causes above 20*l.* the appeal should go to the Court of Session. Now, how many out of the 118 causes went from the Sheriff Principal to the Court of Session? Ten only. Deducting one-fourth of those 118 cases as being under 20*l.*, that would leave eighty appeals to go to the Court of Session, which would cost 4,200*l.* a year to the litigants. Could anything, then, be more rash than to destroy an institution which he had thus shown had worked so well? Taking the whole of Scotland, there were 2,033 appeals in the year to the Sheriffs Depute; of these 120 only went to the Court of Session, and only fifty of those 120 cases were reversed. He thought he had established his proposition that it would increase and not diminish the expense of litigation; and how would it stand as to delay? Why, they proposed to turn over some 1,000 cases yearly into the Court of Session in addition to their present amount of business, and they expected that Court would go through all that business in the same time as it did now. He was quite certain it never could do so. And if something like 4,000*l.* a year were drained from Perthshire, or about 60,000*l.* or 80,000*l.* a year from the country into the pockets of the profession, he believed it was the best thing that had been heard of for the lawyers for many a day. Therefore, he contended, that he had proved his point when he said the Bill would make business for the Court of Session, and places for the Bar. One topic much adverted to was, that the appeal lay from a Judge who heard the witnesses to one who did not. That was a very fair question for consideration, and he did not mean to say he was quite clear upon it in his own mind. The question whether they ought to take evidence in writing or not, was not so simple as some represented, and cases were constantly occurring where the evidence was referred to on the Judges' notes. Where the witnesses died, their depositions were read; when a new trial was moved for, the Judges' notes were referred to. In Chancery and the Consistorial Courts the evidence was taken in writing. However, it was a question which he would not then enter upon. His hon. and learned Friend then proposed an appeal on facts—

Mr. CRAUFURD: No, only on questions of law, as may be seen in Clause 31.

The LORD ADVOCATE: Well, those questions would come before the House again when the Bill was in Committee. He would now conclude by appealing to the House not to shake a venerable and most useful institution, which every man of experience in Scotland was of opinion ought not to be touched by the rude hand of modern legislation. They deprecated this movement, believing that nothing but injury would result from it. On the other hand, it was not only his belief, but of all those whom he had consulted, that the Bill which he had the honour of introducing, would not only confer a benefit on the country, but that the changes it would make would be both salutary and safe.

Mr. HUME said, he must complain that the returns relating to this question, which he had moved for five months ago, were not yet on the table of the House, so that although his right hon. and learned Friend had used them, no other Member could do so. He believed there was a general demand for amelioration in the administration of justice in Scotland. He admitted that before the establishment of County Courts in England, the Courts in Scotland were superior, but now that the County Courts had been established—and it had been proposed by the late Solicitor General for Ireland (Mr. Whiteside) to extend law reform to Ireland far surpassing the law reform effected in England—he did say the people of Scotland ought not to be left with their present inadequate system of administering justice. If the Returns which had been ordered were upon the table of the House, it would be seen there were many instances of the officers having little or nothing to do. With regard to many eminent men who had risen from these offices to become Judges, it was not their holding sinecures which made them Judges. Such an argument was in direct opposition to common sense and common experience. It was their individual talent, practice, and knowledge of law which elevated them to the Bench; and the fact of their having been Sheriffs Depute was, he considered, of no weight. Then, as regarded expense, he had always asserted in that House that no office ought to be inadequately paid. If they were efficient, let those who did the duty be paid for doing it. The people of Scotland were anxious that the Judges should be resident; that the Judges should be better paid; that those who did the duty should receive the emoluments; and that the number of officers doing comparatively nothing, yet receiving pay, should be lessened. The hon. and learned Gentleman had admitted that where the Judges were resident, it was wished that they should continue to be resident; and he believed the great mass of the community wished to have the system made general. Therefore, he asked, on behalf of the people of Scotland, that they might have the same reform and the same facility of obtaining speedy and economical justice as the County Courts afforded to the people of England. He did not begrudge the salary of 1,200*l.* a year to the County Court Judges; that was the last consideration with him. He only considered whether the plan proposed by his hon. and learned Friend's Bill would give a more efficient and better system for the more speedy settlement of disputes. The mass of his constituents were of that opinion. He thought the right hon. and learned Lord Advocate was forgetting the wishes of the people of Scotland, and was forgetting the duties which appertained to the office he held, when he saw what a race there was to carry out law reforms. Reference had been made to the opinions which were held fifteen years ago; but if the opinions of the time of Lord Eldon had been taken as a guide for the conduct of Parliament, not one of the many beneficial changes which had taken place would have been effected. He did not think the people of Scotland were fairly treated, when eleven Members of the Committee were in favour of the right hon. and learned Lord's Bill, and only four were for the people. He held that the abolition of sinecures should be the first and principal object of any measure on this subject, and, next to that, the establishment of resident Judges, so as to place the people of Scotland on an equal footing with the people of England. If it cost 70,000*l.*, it would be well laid out; but in his opinion it would not cost that sum. It was found that cheap justice was administered in the English County Courts, without any public expense at all. He had moved for returns a few days ago, which he believed would show that in the last year more business was done in the County Courts than in many years before, and the expense to the public purse was nothing. He had not the least doubt the same would be the case in Scotland, if the fees were properly apportioned, and facilities given for the decision of causes. But, be that as it may, if the cost amounted to 70,000*l.*, the people of Scotland were entitled to be placed in the same position as the people of England. He thought this Bill ought to be read a second time. He thought both Bills ought to go upstairs to a Select Committee, there to be discussed. Although it was not determined positively, at the meeting of Scotch Members, that evidence should be taken, a majority expressed their opinion that it ought to be taken. Nothing else would satisfy the people of Scotland. For his own part, he would rather obtain full information of what the people wanted, and postpone legislation for another year, than accept this abortion of reform, which did not deserve the name of reform; and he was really sorry the right hon. and learned Lord Advocate had not more respect for his own character, if he had none for the interests of Scotland, than to attempt to pass such a paltry Bill as the one he had introduced. He (Mr. Hume) advised the House to let this Bill be read a second time. If the right hon. and learned Lord Advocate's Bill were so much superior, that superiority would be fully developed in the Select Committee; but that was no good reason why they should shut out from consideration his (Mr. Hume's) hon. and learned Friend's Bill. When the County Courts were first discussed, there were confident prognostications that they would not succeed, and loud outcries against disturbing venerable institutions. That cry was now re-echoed by the right hon. and learned Lord Advocate; but he knew no venerable institutions which had not been disturbed by each succeeding improvement. He had no wish to pull down anything; but they were bound to look how it worked—what was its operation—and whether it was efficient for the duties and objects for which it was intended. If it were not, then he should by all means change it. The older it was the more likely it was to require alteration. That was his opinion, and whenever he heard venerable institutions appealed to, he thought it must be high time to do something on the subject. As he had already said, he should vote for the second reading of his hon. and learned Friend's Bill; and he did not consider the refusal to take evidence either a wise or a prudent course.

MR. ELLIOT said, as the hon. Member for Montrose (Mr. Hume) had thought proper to tax the right hon. and learned Lord Advocate with an intention to pack the Committee appointed for the purpose of considering his Bill, he wished to repeat the explanation which was given on a former occasion, that the Lord Advocate had endeavoured to obtain the consent of other Members opposed to his opinion to sit on that Committee, and they had all refused. The hon. Member for Dundee (Mr. Duncan), and the hon. Member for Dumfries (Mr. Ewart), and other hon. Members, had been applied to, and had declined; and it was only then that the Committee had been filled up with the names which now stood upon it. He thought, therefore, no hon. Member had a right to attack the Lord Advocate for packing this Committee. Now, whilst he was on his legs, he desired to say a word about the double Sheriffs. He had a strong opinion on that point. He believed it a most difficult, if not an impossible thing, that the Sheriff should be resident in a county without being infused to an injurious degree with local feelings and prejudices belonging to the county. At any rate he was sure of this, whether that consequence followed or not, undoubtedly the Sheriff, under such circumstances, was open to imputations of a most disagreeable description, arising from a belief that such was the case. He happened to live in a county where there was a resident Sheriff; and he must say that a very large portion of the inhabitants of that county would be very glad if the system were no longer pursued in that county. He did not wish to tax the Sheriff of the county with anything improper, but he said it so happened the Sheriff was a person entertaining strong political opinions. He was a person who had resided many years in the county, who had been mixed up with local affairs in the county, and unfortunately—he did not say deservedly, but unfortunately—the opinion in the county was, that his position was injurious to the proper administration of justice in the county. He knew him to be a most amiable and excellent man, against whom he would not wish to make any imputation; but he merely stated that was the feeling of the county; and he was quite sure every resident Sheriff would be liable to imputations highly injurious to the administration of justice. He could not agree, therefore, in supporting the Bill of his hon. and learned Friend (Mr. Craufurd), which was chiefly distinguished by that principle.

MR. STUART WORTLEY said, he hoped he was even then not too late in appealing to the right hon. and learned Lord Advocate to ask him to consider the course he was about to take. Nothing could have demonstrated more clearly than the speeches they had heard that day that there was a strong feeling on this subject in Scotland, although he admitted there was a considerable difference of opinion. He would ask the right hon. and learned Lord in what instance of proposed reform of the most important institutions of the nation, and where great difference of opinion existed, had that reform been attempted without some preliminary or contemporaneous inquiry? Really, there was no occasion when that course had not been adopted. He believed if his hon. and learned Friend (Mr. Craufurd) had not persisted in bringing in his own particular measure, the right hon. and learned Lord Advocate would have consented to that inquiry; but were the national interests to be sacrificed to a mere matter of private feeling? It was said they might risk losing this measure for a year; but was it not better to do that, if by doing it they could meet the strong feeling which existed in Scotland in favour of an inquiry which would perhaps settle the question. It was said that the inquiry in 1835 settled the question. He admitted that it did put down the question at that time; but he himself at one time thought it would be injurious if in any instance a Judge was resident in the district where he administered justice. With regard to England, he had seen reason to change that opinion. The County Courts system had been successful, and circumstances had greatly altered. He would not attempt to go into details, but it was argued in favour of the double Judges that there were no less than 120 appeals from Perthshire. There were not 120 appeals from the County Court Judges of Yorkshire; and he saw no reason why the number of appeals from Perthshire should not be reduced by a change of system. Still he was divided in opinion upon that change. If it were a question simply between one or two Judges, he should be strongly of opinion that one was enough. But there were anomalous duties attached to the office of Sheriff in Scotland, such as preserving the peace, which, if not political, verged on a political character, and that consideration might affect his opinion with regard to a single resident Judge. He therefore trusted there would be an inquiry upstairs, to put the House in possession of the fullest information, before they came to a decision on these Bills; and he once more appealed to the right hon. and learned Lord to allow both Bills to go to a Committee, No wonder there was a difficulty in forming a Committee, because Members naturally said—"What is the use of having a Committee if no discussion is to be allowed?" Whatever might be the decision of that House, they might depend upon it the people of Scotland would not be satisfied with the measure of the right hon. and learned Lord Advocate, if it were not founded on full inquiry.

MR. DUNCAN said, he hoped he should be excused, as the representative of a large constituency, for occupying the attention of the House for a few moments. The Bill of the right hon. and learned Lord Advocate was somewhat mixed up with the Bill immdiately before the House, and unless those measures were laid before a Select Committee, with power to take evidence, he thought the people of Scotland would not be satisfied. As to the measure No. 2, he could not go the length it proposed, but on one point it was so accordant with the feelings of Scotland generally, as between one and two Sheriffs, that he had no hesitation in voting for the Bill in its present shape, for the purpose of going into Committee upon it. As to the feelings of the town council of Dundee, they were unanimous—and he believed, taking the whole county of Forfar, the people were quite unanimous—for a single Sheriff. He would tell the right hon. and learned Lord Advocate, that whatever might be the result of his measure, and whatever the finding of the Committee, if he refused to consider this Bill, he would raise a giant of petitions not so easily to be knocked down again next year as he might imagine; and he would further tell the House, if they passed the Bill of the right hon. and learned Lord, it would require to be amended in less than six months.

The LORD ADVOCATE said, he rose in consequence of the appeal just made to him by the right hon. and learned Recorder of London (Mr. S. Wortley) to say one word in explanation. At the commencement of the Session, though he knew what would have been the result of the inquiry, he did not object to take evidence, provided the Bill of his hon. and learned Friend was not proceeded with. He expressed himself ready to take the whole question into consideration if the Bill were not introduced; but it was quite understood, if it were introduced, he would not go into Committee with both Bills, believing, as he did, that such a course was very undesirable. Instead of introducing the Bill, his hon. and learned Friend gave notice that he should move a Resolution, by which he proposed to decide the question without taking evidence. Afterwards his hon. and learned Friend had fallen back upon his original intention, and introduced his Bill. Four months of the Session were now gone, and he was appealed to from all quarters not to take evidence, or to delay having a measure this Session. If, after the Resolution had been passed, the House had thought further evidence should be taken on the details, that would have been a different matter, and he should not have objected to it.

Mr. DUNLOP who rose amid cries of "Divide, Divide!" said, he would not detain the House more than two minutes. In his opinion the Bill of the right hon. and learned Lord would do by degrees that which the Bill of his hon. and learned Friend (Mr. Craufurd) would do at once. The whole body of Sheriffs, and a large proportion of the Bar of Scotland, were of opinion that, if the Bill of the Lord Advocate passed, the Sheriff Principal would be reduced to such comparative insignificance, that it could not last more than five or ten years at the utmost. The Lord Advocate had not adopted the recommendations of the Law Courts; he had given no indication of doing that which was essential to retain the Sheriff Principal, and to make it more efficient by reducing the number of actual or semi-sinecurists. Under these circumstances, he did not think the question of the Sheriff Principal was properly raised by these two Bills. If they thought the Sheriffs ought to be done away with, he would do away with them at once, and not by degrees; but he was for maintaining them. The ground upon which he should support the second reading of the Bill of his hon. and learned Friend was this, that, however divided the state of opinion between the two Bills in that House might be, they had received an immense body of petitions in favour of this Bill, and only five or six petitions in favour of the Bill of the right hon. and learned Lord Advocate. The great mass of the people of Scotland appeared to wish that both Bills should be submitted to a Select Committee, to make a good measure out of the two. He concurred in that view, and should therefore vote for the second reading.

Mr. CRAUFURD, in reply, said, he hoped the House would not throw out the Bill to stifle inquiry, because it did not suit the views of the right hon. and learned Lord Advocate. He did not ask them, by voting for the second reading, to approve of the principle of the Bill, but to send it upstairs, where it could be fairly and freely discussed. He had not entered into the details of the Lord Advocate's Bill, because that could be better done in the Select Committee. He disapproved of it, and he could show the House that, as had been stated by the hon. and learned Member for Greenock (Mr. Dunlop), the Bill of the Lord Advocate did, by a lingering death, extinguish the system which he proposed to cut down root and branch at once. The provisions of the amended Bill went still further that way, and the amendments introduced tacitly acknowledged the soundness of the principle of this Bill, because the Lord Advocate had adopted some of its provisions in form, if not in detail. If the hon. Member for the county of Haddington (Mr. Charteris) had known the circumstances connected with the *Campbeltown Journal*, he would not have been so ready to quote it in that House. The printer and editor of that paper was his most bitter opponent. After having promised to vote for him, he voted against him, and then sent up a printer's bill, which, as he knew nothing of it, he sent back again. The House should be aware that the *Campbeltown Journal* was scarcely known in Scotland; but both journals in Ayrshire—the *Ayr Advertiser* and the *Ayr Observer*—unanimously supported the views which he was there to represent. All that he asked the House was, to pass the Bill now, that it might upstairs undergo a full and thorough inquiry, and not to give the people of Scotland the impression that it was wished to "burke" it. On these grounds, he asked the House to assent, not to the principle, for that could be modified or determined as might afterwards seem best, but to a fair and full discussion of the merits of the two measures.

Mr. BOUVERIE said, he wanted to direct the attention of the House to the strange inconsistency of which they would be guilty if they affirmed the second reading of this Bill. There were two Bills before the House, one introduced by the right hon. and learned Lord Advocate, and the other by his hon. and learned Friend (Mr. Craufurd). The Bill of the Lord Advocate had passed the second reading, and was referred to a Select Committee. They were asked now to assent to the second reading of the Bill of his hon. and learned Friend. Those Bills differed either in principle, or only in detail. If the difference were in principle, the House had already affirmed the principle of the Bill of the right hon. and learned Lord; and they were now called upon, in contradiction to that affirmation, to affirm the principle of the Bill of his hon. and learned Friend. It was upon the second reading, and not before a Select Committee, that principles were discussed; and until this Parliament, he never knew an instance in which Bills of different principles, and the same subject, were referred to a Select Committee. If, on the other hand, it was a mere difference of clauses, there was no occasion for this Bill whatsoever. The details which his hon. and learned Friend wished to have considered in a Bill, as distinct from the Bill of the right hon. and learned Lord, could be considered without having a Bill for the purpose; and after the Bill of the right hon. and learned Lord came from the Select Committee, it would be quite competent for his hon. and learned Friend in Committee on that Bill, to bring those details under the consideration of the House. Supposing the Bills to be of opposite principles, he protested against their being referred to a Select Committee, because it was a most inconvenient course, and was throwing upon a Select Committee the proper function of that House, namely, upon a second reading deciding the principle of a measure. With regard to the question of double Sheriffs, like the right hon. and learned Recorder of London, he was undecided. A great deal might be said both ways. The County Court Judges were not the same as the Sheriffs in Scotland. The latter possessed unlimited jurisdiction, and were high administrative officers of the law, and he was inclined to think all those functions and duties should be cast upon a local resident officer. But he was not propounding that question. All he said was, that the whole object of his hon. and learned Friend might be obtained without giving a second reading to this Bill.

Question put, "That the word 'now' stand part of the Question."

The House *divided* :—Ayes 58; Noes 184: Majority 126.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Bill *put off* for six months.

COUNTY RATES AND EXPENDITURE BILL.

Order for Committee read.

House in Committee, commencing with Clause 4, which regulates the constitution of the Financial Boards.

Mr. MILES said, he wished to move an Amendment, to the effect that the justices forming part of the boards should be selected by the quarter-sessions in each county, instead of being elected by the guardians. He did not propose to alter the number of the boards at all. He understood that the noble Lord the Secretary of State for the Home Department (Viscount Palmerston) intended to propose a clause making the Bill a permissive one.

Mr. FITZROY said, that no distinct notice to that effect had been given by the noble Lord; he merely threw out the suggestion for the consideration of the promoters of the Bill.

Mr. MILES said, that, in that case, he would deal with the Bill as a compulsory measure, and it would be his object to make it as good a measure as possible. He objected to the boards of guardians having the power of electing the members of the financial board, as they were merely an elected body themselves. Seeing the number of Amendments on the paper, he thought it hopeless that the measure could pass this Session.

Sir JOHN PAKINGTON said, there were no less than seven Amendments on this particular clause; and if the one now proposed were adopted, it would prevent discussion on the others, which involved some of the most important parts of the measure.

Captain SCOBELL said, he wished to propose an Amendment on the Amendment of the hon. Member for East Somersetshire (Mr. Miles), if it were adopted, to the effect that not more than one of the justices elected should be resident in the same Union. He did not think it would be wise to make the Bill a permissive measure.

Mr. HUME said, he would submit, that they had better either give up the Bill, or determine to go on with it. Numerous Amendments were proposed, incompatible with each other, and some at variance with the principle of the Bill, which the House had affirmed. He would refer to the provisions of his original Bill introduced in 1835, and he considered that the present measure, though not so complete as he wished it, would prove highly beneficial. He hoped it would pass in its present form. The ratepayers were disatisfied. They imagined they were robbed, and it was important to give them the means of looking into their own affairs. He hoped the Goverment would either take up the Bill and enforce it, or let it be dropped at once.

Sir JOHN PAKINGTON said, the amount of rates over which these Boards would have control, was comparatively small, and it was not worth while to create the complicated and expensive machinery which this Bill provided. He could not avoid charging the hon. Member for Montrose (Mr. Hume) with obstructing the progress of the Bill, by making an irrelevant speech just as the Committee were entering on the consideration of an important Amendment. He (Sir John Pakington) disapproved of the Bill as it stood, and should give it all the opposition in his power. At this period of the Session he thought it hopeless to attempt to pass a Bill of 135 clauses, and would suggest to the right hon. Member for Manchester whether it was worth his while to come down Wednesday after Wednesday in the vain hope of progress being made with the Bill.

Mr. MILNER GIBSON said, he was willing to believe that the various Amendments had been proposed in the hope of improving the Bill. He regretted that the right hon. Baronet (Sir J. Pakington) still threatened opposition to the whole Bill, in which he hoped the Committee would not join him. As the present question was between the hon. Member for East Somersetshire (Mr. Miles) and the hon. and gallant Member for Bath (Captain Scobell) as to the precise form of the Amendment, he would suggest that they should meet and settle it in private. Meantime, for the convenience of the other business to come before the House, he would now move that the Chairman should report progress.

The House resumed.

Committee report progress.

The House adjourned at ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, May 12, 1853.

Minutes.] Public Bills. — 1ª Alteration of Oaths; Burial Grounds.

2ª Exchequer Bills; County Elections Polls (Scotland); Chimney Sweepers Regulation Act Amendment.

FOREIGN SEAMEN.

Lord ELLENBOROUGH *presented* a petition from the seamen of Sunderland against the admission of foreign seamen to the coasting trade. Having recently at some length called the attention of their Lordships to the subject, on presenting a similar petition from the seamen of Hartlepool, he would not again advert to it; but he would take the opportunity of calling the attention of their Lordships, but especially the attention of the Vice-President of the Board of Trade, to an important return delivered yesterday of the number of British ships and men employed in the trade of the United Kingdom. That return gave an extraordinary result—so extraordinary that he thought it would be necessary to make some inquiries with respect to it. He had not the smallest doubt that the facts stated in the return were perfectly correct. He had the greatest confidence in the accuracy of Lieutenant Brown, by whom the return was prepared, knowing him to be an officer of great zeal and ability, who discharged his duty in a most exemplary manner; but the facts, if correct, required inquiry and explanation. It appeared by the return that in the home trade—that was the coasting trade—there had been in the last year a diminution of 1,113 seamen in sailing vessels, and a diminution of 266 seamen in steam vessels, whilst there had been an increase of 16,000 tons in sailing vessels, and a diminution of 12,000 tons in the steam vessels. Under the second head there appeared an account of the partly home and foreign trade. The aspect of that trade was particularly unsatisfactory. It appeared that there had been a falling off of 94,000 tons in the sailing tonnage, and an increase of rather more than 10,000 tons in the steam tonnage; so that there was a total falling off in that trade of 84,000 tons, and a diminution of 1,033 in the number of men; therefore the total diminution of men in the two trades was 2,412. But that to which he particularly wished to draw attention, was the increase in the number of seamen apparently employed in the foreign trade. The increase in tonnage in the foreign trade was 78,000 tons—not a very material increase, amounting to only 3½ per cent on the total tonnage engaged in that trade; but the increase in the number of seamen in sailing vessels was 17,817, or 18¾ per cent on the total number of seamen. In steam tonnage the increase of the number of tons was a little above 22,000, and the increase in the number of men was 2,821, so that while the steam tonnage had increased the enormous amount of 35 per cent, the number of men had increased at the rate of 65 per cent. He had not the slightest doubt all the men stated in this return to have been employed in those vessels were so employed; but it was entirely contrary to reason to suppose they were seamen. His impression was, they were landsmen, working their passage to Australia and other colonies; men who had left this country for the most part never to return, and were not to be calculated upon in estimating the maritime force of the country. It was on this subject that he wished the noble Lord to make inquiry. He apprehended the return was the return of the number of men who left the country in those specified vessels; but it was most desirable to see the number of men who returned in those vessels, because on those alone could the country depend in case of emergency. He had already stated he did not at all impugn the correctness of the return, but he believed, when explained, it would appear in reality there had been no material addition in the force of men; but on the contrary, that these persons, who appeared as seamen, were passengers, emigrants in fact, who worked their passage out, never to return.

Lord STANLEY of ALDERLEY said, there appeared to be some discrepancy in the number of men and the increase of tonnage, and it was highly probable the interpretation suggested by the noble Earl was correct. He would take care inquiries should be made, if possible, to ascertain the number of men going and returning. At the same time, he thought the return highly satisfactory, and that the diminution of tonnage in the home trade was to be explained by the supposition that coasting vessels now made longer voyages.

THE BANKRUPTCY BILLS.

Lord ST. LEONARDS presented the Minutes of Evidence taken up to this time before the Select Committee to whom was referred the consideration of the Bankruptcy Bill, and the District Courts of Bankruptcy Abolition Bill. With regard to these Bills, as he understood the Government intended to institute an inquiry into the whole subject of the law and judicature of bankruptcy and insolvency, he would postpone the further consideration of the Bills for the present. He moved that the evidence be printed.

The LORD CHANCELLOR said, it was perfectly true that he had had his attention directed to the provisions of the Bill of his noble and learned Friend, and also of the Bill of his noble and learned Friend near the table (Lord Brougham), and he had thought it expedient, or, he might say, absolutely necessary, to have the subject more thoroughly investigated than it had been at present. It so happened, from what cause he knew not, that the amount of business done in the Bankruptcy and Insolvent Courts had so much diminished, that instead of being, as heretofore, self-maintaining courts, unless some great alteration took place there would be no funds for conducting them. He knew that it was the opinion of his noble and learned Friend near the table that the business of these Courts might be safely transferred to the County Courts, and the Bankruptcy and Insolvent Courts might be altogether got rid of; while his noble and learned Friend who had just addressed their Lordships was of a contrary opinion. Perhaps he (the Lord Chancellor) ought to have formed a more decided opinion, but he had not formed any very decided opinion. He wished to have full and complete information; and, with the view of obtaining that information, he should direct the most searching inquiries to be made.

In reply to Lord St. Leonards,

The LORD CHANCELLOR said, he would rather not state the manner in which the inquiry would be conducted. He ought to have stated that there were three matters to be inquired into, namely, Bankruptcy, Insolvency, and the state of the County Courts, so far as to ascertain whether those Courts could or could not be usefully made ancillary to the Bankruptcy Courts.

LORD BROUGHAM apprehended that this was one of the most important subjects which could occupy the attention of their Lordships. He entirely concurred in the propriety of the course then taken by his noble and learned Friend (Lord St. Leonards) in postponing these Bills. His noble and learned Friend on the woolsack having stated it was the intention of the Government to institute inquiries into these matters, nothing, in his opinion, could be more inconvenient or preposterous than to make changes in a certain portion of the law at the time when a most extensive inquiry was pending, not only with respect to the law, but with respect to the tribunals to which the administration of the law should be intrusted. He, therefore, thought his noble and learned Friend (Lord St. Leonards) had adopted the only rational course in postponing for the present any further proceedings with the two important measures that noble Lord had introduced. He was glad to find that the whole subject would at length be fully and satisfactorily settled by the investigations of a Commission.

LORD ST. LEONARDS: It is not so stated.

LORD BROUGHAM was convinced nothing could be more satisfactory than inquiry by Commission, and nothing more unsatisfactory than inquiry by Committee. Another Parliamentary Committee could do nothing; but from the labours of a Commission they might expect the greatest possible benefit.

The LORD CHANCELLOR: I may state at once I have no doubt the inquiry will be by Commission.

Minutes of Evidence ordered to be laid upon the table of the House, and to be *printed.*

BARNSTAPLE ELECTION PETITION.

Conference had at the Desire of the Commons upon the Subject Matter of an Address to be presented to Her Majesty, under the Provisions of the Act 15 & 16 *Vict.*, cap. 57; and Report made, That the Commons had agreed to an Address [which was offered], to be presented to Her Majesty, to which they desire the Concurrence of their Lordships.

Afterwards, Message to the Commons, for Minutes of Evidence taken before the Select Committee of the House of Commons on the Barnstaple Election Petition; together with the Proceedings of the Committee, 1853.

CHIMNEY SWEEPERS REGULATION ACT AMENDMENT BILL.

The EARL of SHAFTESBURY moved that the Bill be now read 2^a.

The EARL of CLANCARTY objected to the extention of the Bill to Ireland. There were continual evasions of the Act already in force, because it was found impossible to cleanse chimneys with machines in that country, from the nature of the soot of peat fires being different from the soot of coal fires, and from the inconvenient construction of the chimneys themselves in the great majority of houses. He submitted that it would be better to lay down rules for the construction of dwellings in future, and to give time for alterations in the construction of present flues, so that the law might practically be brought into operation.

The EARL of WICKLOW thought what was good for one country was good for another, and could not conceive anything more absurd than to pass a Bill for one part of the Empire, and not extend it to the other. He objected, however, to the Bill, because it interfered unnecessarily. He did not see why children of any age might not act as servants, and be introduced into any trade; and the Act of Parliament already in existence took especial care that they should not go up chimneys, which was the only objection to their being employed in this trade. Nothing was more objectionable than useless legislation, and he should move as an Amendment that the Bill be read a second time that day three months.

Amendment *moved*, to leave out ("now") and insert ("this day Three Months.")

The EARL of SHAFTESBURY said, the object of this Bill was to prevent many of those evasions which were continually being practised against the Act of Parliament which had been already passed. If he had been at all aware of any opposition, he should have come down fortified with papers and statements to show the absolute necessity of legislation. He did not think it possible that objections could be raised. He was unprepared with documents which would have carried conviction to the minds of their Lordships; but he did not believe that all the records of all the atrocities committed in this country or in any other, could equal the records of cruelty, hardship, vice, and suffering, which, under the sanction of the law, had been inflicted upon this helpless and miserable race. An appeal was made some short time ago on their behalf, and a law was passed which this Bill was intended to strengthen, to the extent of carrying out the spirit of that law. One of the principal provisions of the Act was, that no child under the age of sixteen could be apprenticed to the trade of chimney sweeping, whereupon master chimney sweepers had taken to employing children, not apprentices. Their ostensible duty was to carry the brushes, bag, and tools; and so they accompanied the master into houses, when, the moment they were inside, the doors were locked, and the children were coerced and forced to ascend the chimneys. The object was to prevent this abuse; that non-apprentices should be put in the same condition as apprentices, and that they should not be allowed to carry bags of tools further than the door of the house, where the chimney sweeping was to take place. A more simple regulation could not be conceived. But, as he understood, the noble Earl (the Earl of Clancarty) required time, in order that alterations might be made in houses in Ireland. Could the noble Earl be aware that the Bill made reference to an Act passed in the third and fourth years of the present reign? There had, therefore, been twelve or fourteen years' notice; and if in fourteen years the noble Earl had not been able to alter his house, he (the Earl of Shaftesbury) did not know what further time he could possibly expect in order to effect the necessary alterations. But why should not a measure be passed which would put the whole country upon the same footing as the metropolis? At the present moment climbing boys did not exist in the metropolis. Their employment prevailed only in the provinces, where hundreds and thousands of children were so engaged. The Bill was framed to meet this great abuse. There could be no difficulty whatever in attaching the necessary flues to houses and mills, so as to enable them to be swept by machines. Their Lordships could form no notion of the physical and moral evils inflicted upon numerous helpless children by the present system. It was impossible to bring this wretched class to habits of ordinary decency, or to impress upon them the precepts of religion, so long as they were allowed to be oppressed in this diabolical way, for so long they were deprived of those rights, physical and spiritual, to which, by the laws of God, and he wished by the laws of man, they were fully entitled.

Lord ST. LEONARDS said, that where there was a climbing and descending of chimneys, the law would punish on proof of the fact; but as they had allowed boys of sixteen to be apprenticed, the way the existing Act was evaded in the provinces was this—the master got the boys at an earlier age, and said he was entitled to use them to carry the tools; but when he had got them into a house, ostensibly for that purpose, they were surreptitiously employed in climbing. What his noble Friend proposed was, that their Lordships should simply say that no person under the age of sixteen should assist in any way in carrying on the trade of a chimney sweeper. This, he thought, was a very proper object to accomplish; and as to the objection of the noble Earl (the Earl of Clancarty), he really could not see how it bore upon the subject. The Act of Parliament passed in 1840 was left by the present measure precisely where it was found. The new Act merely said, that certain persons under a certain age should not be allowed to carry on the business.

On Question, That ("now") stand part of the Motion, *Resolved* in the *Affirmative.*

Bill read 2ª accordingly.

POOR LAWS.

The Earl of MALMESBURY, pursuant to notice, *presented* a petition from the Board of Guardians of the Christchurch Union, for the Amendment of the Law of Settlement and of Assessment for the Poor; but that the present system of Local Management should be retained, subject to the supervision of the Poor Law Board. He should not have said a word upon the subject at the present time but for the occurrence which took place on a former night, when his noble Friend (Lord Berners) brought in a Bill in relation to it. On that occasion he (the Earl of Malmesbury) was free to say that he did not think Her Majesty's Government had treated the House or his noble Friend with the ordinary respect due to either, in throwing over that measure, as they had done, without discussion. It was not his intention to detain their Lordships many minutes; but he felt bound to recall to their attention the very great importance of the subject—a subject of such importance that any other which had been debated of late years did not probably surpass it, more especially as the object was one in which all statesmen were occupied—namely, the laudable endeavour to make the taxation of the country press as equally as possible. In illustration of his proposition he would take the case of the single parish from which he presented the petition. That parish did not contain any great estates, though it was a very large parish; but it contained about 260 properties, all real estates. In that parish persons possessing land and houses of that nature, were taxed by what he would call—for he liked to call things by their right name—an income tax on their property, because they paid a poundage on the rental they obtained, or were supposed to obtain, from their property. That income tax, which was common to all parts of the country also, varied from 10 to 15 per cent in this parish; but in other parishes real property was taxed to the amount of 80 per cent for the same purpose. It was impossible—considering that real property already, and for a long period, contributed upwards of 5,000,000*l.* a year to the poor in England, in a manner so unequal, in some places paying 80 per cent, as he had already stated, in others only 1 per cent—it was impossible, while *millionaires* and the proprietors of personal estate paid nothing, and a man with a mere farm paid from 10 to 80 per cent, that public opinion should not be called to the subject on every possible occasion. The subject had, indeed, been discussed in both Houses of Parliament with great avidity, and in 1850 a Committee of their Lordships' House, moved for by Lord Portman, was appointed to investigate the question in all its bearings. Many of their Lordships attended that Committee; he (the Earl of Malmesbury) attended it also, and took part in its proceedings. He did not deny that he attended it with those feelings natural to a man interested in the revision of the law under consideration, as the possessor of real property. A great number of their Lordships, no doubt, were in the same predicament, and feeling in the same manner could well comprehend his course on that occasion. He took a considerable part in the investigations of that Committee, proposing what he believed to be the most effectual means of solving the question; and he was met by a noble Baron on the other side (Lord Overstone), also on the Committee, who constituted himself the defender of the rights of personal in contradistinction to real property. He (the Earl of Malmesbury) might say that on the occasion in question, the noble Lord opposite acted as the representative of the auriferous interest. The Committee, as their Lordships were aware, went thoroughly into the subject, and, finally, made a report to the House of a most important character; and, as three years and a half had passed since then, considering the importance of that document, he hoped he would be excused for troubling their Lordships with its conclusion. They said it was their impression that "the relief of the poor was a national object, towards which every description of property ought justly to be called upon to contribute; the Act 43 Elizabeth contemplated such contributions according to the ability of the party." On the strength of that opinion or axiom, he (the Earl of Malmesbury) proposed that an income tax should be extended over the whole of the property of the country, of every kind whatever, for the support of the poor. That proposition, however, did not find favour in the eyes of the Committee, and one of the arguments used against it by the noble Baron opposite was to the effect that the income tax then raised for the general purposes of the State would be imperilled and placed in danger by any attempt to levy a second income tax for the purposes of the poor-law. He (the Earl of Malmesbury) would not go into that question upon the present occasion, though a great deal might be said on the subject; but most certainly, if things were called by their right names—and he was a plain-speaking man, who desired to do so on all occasions—real property was actually subject to two income taxes at this moment—namely, one, which had been levied since the 43 Elizabeth, for the support of the poor; the other, which was more lately raised, for the general purposes of the State. His argument on the points had, however, no weight with the Committee; but the question now was the justice or injustice of the tax; and if real estate were to be condemned to pay this double impost, he, for one, could not see why all other descriptions of property should not be compelled to contribute also to the same object. From 1850 until very lately the question had dropped out of their Lordships' notice, but last month it was renewed by the noble Baron near him (Lord Berners). On that occasion the noble Lord brought forward a Bill, on which he (the Earl of Malmesbury) would then offer no opinion, but which he might say, without fear of contradiction, was calculated to lead to considerable discussion. As soon, however, as his noble Friend moved the second reading of that

Bill, his other noble Friend the Vice-President of the Board of Trade (Lord Stanley of Alderley) rose and suggested that, as Her Majesty's Government were preparing to make, in the other House, a statement on the general subject, it would be more convenient that the discussion should be postponed to a future day, inasmuch as it was desirable that nothing should be said until a statement of so much importance had been delivered. He (the Earl of Malmesbury) was one of those who then advised his noble Friend near him to comply with the request of his noble Friend opposite, which his noble Friend unhesitatingly did. He had no doubt whatever in his own mind, considering the immense importance of the question at issue, and the great amount of public attention that had lately been directed in this country to subjects of finance, that the Bill would be entered upon and considered as a plan possessing far greater advantages than that proposed by the Government. It was not preposterous for him and his noble Friend near him to suppose that the Government would not have shrunk from meeting the question; that they would not leave it unnoticed; that they would not have cut, but untied, the Gordian knot opposed to their skill. In this, however, they had been disappointed. A few nights since, when the noble Lord moved the Bill again, he asked when the House might expect the statement in question? In the meanwhile the Budget had been introduced into the other House and explained before the country, and it contained nothing in common with the object of the measure. His noble Friend opposite replied to that inquiry, that such important subjects had been brought before Parliament in the other House, that the noble Lord, the leader of that House, no longer intended to make the statement to which he had alluded. He (the Earl of Malmesbury) could only understand from this that Her Majesty's Government shrank from fairly meeting the subject. But what were these important subjects, and what were the statements as connected with the Bill of the noble Lord? They could only be connected with the Budget, which had already occupied the other House for several weeks; and what was the principal subject of the Budget? It was the intention of Her Majesty's Government to bring forward a new tax, or rather to extend an old tax from the succession to personal to the succession to real property. Real property, therefore, which had for so long a period exclusively borne the weight of the poor-law, was consequently told that 2,000,000*l.* more were to be added to its load of 5,000,000*l.* already paid for the support of the poor, and that personal property was still to be exempted from any obligation to the poor-law. He (the Earl of Malmesbury) and his friends complained that this taxation was most unequal, as well as most onerous; but they were met by the old argument, that it was impossible to make taxation quite equal, and that as real property did not pay legacy duty, it was just to deduct 1,300,000*l.* from the burden. If that, however, was placed in the scale and added to the 2,000,000*l.*, real property would be found to have the worst of the bargain by 5,700,000*l.* To say nothing of the sort of trick played by his noble Friend opposite, on the part of the Government, in preventing his noble Friend near him from proceeding with his Bill, he was bound to say that Her Majesty's Government seemed to him to have lost all power of calculating weights in the scale of taxation, when they proposed to burden real property with 2,000,000*l.* more, over and above the 5,000,000*l.* which it already paid. Having made these observations with respect to the conduct of the Government towards his noble Friend on the debate the other day, he would ask the noble Earl opposite, the Prime Minister, whether it was the intention of Her Majesty's Government to bring forward any measure to reform the poor-law, and the law for the removal of the poor, in the present Session of Parliament? And further, he would ask him, in case the real property succession duty became law, whether it was the intention of the Government to relieve real estate from any portion of the burden at present levied upon such property exclusively for the support of the poor?

The EARL of ABERDEEN: I shall not think it necessary to enter into any notice of the preliminary observations of the noble Earl. In answer to the first of his questions, I have to state that the business before the other House of Parliament is such that it will not be possible to bring forward any measure on such an important subject with any reasonable hope of carrying it this Session. It is undoubtedly our opinion that without such reasonable hope, such a measure would be attended with very mischievous effects upon the country, if it were introduced and laid upon the table without such a prospect. As to the other question asked by the noble Earl, with regard to the effect produced by the succession tax, I would recommend him when next he asks a question to understand the purport of it; because the notion of the amount of the new tax upon real property is a mere fiction of his own imagination. Perhaps one quarter of the amount he has named would be more nearly the truth; but it is impossible for me to give an answer to a question which really is not founded upon facts.

Lord OVERSTONE regretted that the noble Lord who presided with so much ability over the Committee to which the noble Earl (the Earl of Malmesbury) had referred, was not present to defend their proceedings; and, as a member of that Committee who had been alluded to by the noble Earl, he was induced to make one or observations. He (Lord Overstone) had brought forward his own views in that Committee, and they certainly were entirely in opposition to those of the noble Earl on the subject. The question to which he had referred was undoubtedly one of much delicacy as well as difficulty, for it involved that greatest of all questions —an equal adjustment of the various burdens of taxation—and hitherto all attempts to settle it had been practically found to be impossible. It was with regard to that very difficulty that the noble Earl proposed a plan to the Committee, the object of which was to assess moveable property. If their Lordships were to follow out that subject, he was sure they would find abundant proof of the necessity of extreme caution and circumspection in every step they took regarding it; it was one of those subjects in which "fools rush in where angels fear to tread." It was easy to throw out suggestions on a question like this, and to propose plans, that, at first sight, seemed plausible, but which, the more closely they were investigated, the more mischievous they were frequently found to be. He was bound to say, and he hoped the noble Earl would excuse him for so doing, that he never had under his consideration a plan more open to these remarks than that which the noble Earl submitted to the Committee. The noble Earl was obliged to shape or alter it in various forms, and, after all the changes it received, it still remained in a form, that, if carried into operation, would have been productive of the greatest confusion. He could not but point their Lordships' attention to the statement of the noble Earl, that this was a charge altogether on real property, whereas it had been repeatedly shown, in Parliamentary returns and other documents, that a large proportion of property, not real property, contributed to the support of the poor. The whole subject was one, as he had said, of great delicacy and difficulty, and ought to be approached with caution; but, nevertheless, it was one to which the attention of their Lordships ought to be earnestly directed, with the view of bringing about such a settlement as would do justice to all the various interests of the country. Whenever the proper time for discussion on the subject should arrive, he (Lord Overstone) would be ready to meet the noble Earl on that and on the other points involved in the question, not in the character of the representative of any one interest more than another, but as a man who had the general interests of the community at heart, and who was honestly and faithfully desirous of remedying all real grievances, and providing against any proved abuse.

The Earl of DERBY: My Lords, I cannot but think that the noble Lord who has just sat down has misapprehended what fell from my noble Friend (the Earl of Malmesbury), or he would not be under the impression that my noble Friend had any intention to make a personal attack upon him, and still less that my noble Friend had any intention to speak in terms of disapproval, for he spoke quite the contrary, with regard to the proceedings of the Committee of which the noble Lord opposite was a member. With regard to the noble Lord (Lord Overstone), my noble Friend undoubtedly said, that, upon that Committee, as he himself appeared in some degree as the champion of the interests of real property, so in his opinion, but with no more bias on his mind than my noble Friend had upon his, he considered that the noble Lord opposite appeared rather as the representative and defender of those who had been, as my noble Friend thought, unduly relieved from taxation, although the noble Lord opposite considered that they had been subjected to a full and fair share of taxation. With regard to the proposition of my noble Friend, which the noble Lord opposite characterised in somewhat strong terms, I must say, without expressing my opinion that the plan was so matured as to be capable of being brought into operation, still it was one which always appeared to me, whatever might be its merits intrinsically, to be a very moderate plan, and one founded upon a principle of justice and equity towards different classes; and, although I have not looked at the Report of that Committee, of which I was not a member, since the time when it was made, I have a strong impression that the Committee, far from speaking of the suggestion of my noble Friend with disparagement, spoke of it as a plan involving much that was worthy of consideration; but they said that they could not pledge themselves at that moment as to the practicability of their bringing it into operation in the manner suggested by my noble Friend. Consequently, the noble Lord opposite was not justified in characterising in the manner he has done the suggestion of my noble Friend. With regard to the Committee itself, my noble Friend, so far from speaking of the Committee, or of the conclusions at which it had arrived, in disparaging terms, or in such a way as to require the defence which the noble Lord has volunteered, the very foundation of his remarks to your Lordships was, that he approved of the course taken by that Committee with respect to the burdens imposed upon real property. I am not about to enter into any discussion upon the subject; it is one which certainly ought to be approached with great consideration and delicacy, and it involves many complicated questions; but I must say I was surprised when I heard the noble Lord opposite state that a large proportion of the 5,000,000*l.* raised for the relief of the poor was not levied upon real property. I think the noble Lord must have some confusion existing in his own mind between real and landed property. If it were not levied upon landed property, I certainly concur with the noble Lord in his statement; but I think the noble Lord fell into an error, which makes all the difference in the case, in saying that a large portion of the charge did not fall upon real, but upon personal property—

LORD OVERSTONE: I did not say personal property.

The EARL of DERBY: The noble Lord did not use the words "personal property," but he said there was a large proportion of the charge that did not fall upon real property. I know of no distinction except between real and personal property, and if the charge does not fall on real, it must fall on personal property.

LORD OVERSTONE said, he had stated that his impression was, that a large proportion of the charge was laid on property that could not be considered as real property—such as houses and places of business.

The EARL of DERBY: The noble Lord forgets the circumstances out of which this discussion arose. The discussion has no reference to the distinction between landed and other property, but it has reference to the distinction to be drawn between real and personal property. It arises out of a proposition which has been submitted to Parliament, whereby a new and heavy tax will be imposed on successions; and on successions not only to real or landed property, but on that description of property which has hitherto been exempt from legacy duty, and which has been already burdened with a heavy and disproportionate amount of taxation for other purposes. It was with reference to the tax about to be imposed on real property, not exclusively on land, that my noble Friend referred to the taxes borne not by land, but by real property. My noble Friend perhaps fell into some slight error in speaking of the amount of the tax upon real property reaching the sum of 2,000,000*l.*; because, undoubtedly, if I understand the proposition of the Chancellor of the Exchequer, a considerable portion of the property on which the tax will fall will be not real property only, but personal property which has been inherited by succession, and upon which, being under settlements, heavy charges have been already laid. But I am, for my own part, very much inclined to think that the Chancellor of the Exchequer has, prudently perhaps, underrated the total amount that will, in a short time, be produced from this tax; and I imagine that the Government possesses *data* from which to make calculations of the amount which the Chancellor of the Exchequer reckons on obtaining. But, from what I have been able to learn from private sources of information, I apprehend that the amount which will be realised in the course of two years from the tax upon successions and settlements of all descriptions of property, will largely exceed the amount stated by the Chancellor of the Exchequer; but this is a matter of considerable importance, and when a Bill is brought before your Lordships proposing a revision of the financial arrangements of the country, although it is one which it is impossible for us to amend in this House, and there will be considerable difficulty in rejecting it, however it may affect important interests in this country, it is important to know precisely the *data* on which the calculations of the Government are founded, and the probable effect of the imposition of the tax not only on individuals, but on the social position of great classes in this country. It is a subject on which the imposition of a tax of 1,000,000*l.* or 2,000,000*l.* may be of serious importance, and if it is to rise to 3,000,000*l.* or 4,000,000*l.*, to be derived from perpetual taxes on every succession to real property under settlements, not capable of being converted into money, I believe the effect of this measure will be, in the course of a short time—although this may not be the object of the Government—to break down immediately, and to compel the partition of, almost all the landed properties in the country; and I believe that the measure will act most oppressively and severely, not upon large landed properties, but upon properties of moderate extent, which will be completely ruined by it. This is a matter in which the effect of the measure is a question of serious importance, and in which, before such a measure is introduced, or at all events passed, it will be the duty of the House and of the Government to ascertain its probable results. As I have been led to say thus much on the subject, I should wish to ask the noble Earl (the Earl of Aberdeen), although I shall not press for an immediate answer to the question, which I only threw out for consideration, whether he would have any objection to appoint a Select Committee of this House, before which we may hear calculations entered into, and which Committee may report to your Lordships the probable effects of such a tax as the one that is proposed upon successions, so that we may have the benefit of the experience of those who are perfectly acquainted with the state of the landed property of the country? I think it is most important, before this measure is passed, that we should have, from practical and professional men, their opinions, founded on their own knowledge, of the effects likely to be produced by the imposition of such a tax. Perhaps the noble Earl will decline at the present moment to give an answer to my question—which is, whether, on the part of Her Majesty's Government, any objection will be raised to the Motion for the appointment of a Select Committee?

EARL FITZWILLIAM said, he thought it necessary, before considering whether the charge for the support of the poor should be levied on real or personal property, to determine, in the first instance, whether the poor should be maintained by a local or a national rate. That was the first question to be determined, and, in his opinion, the charge ought to be borne by the real property of the country. With regard to the succession tax, he was favourable to levying the tax on landed property; and if it was desirable that one or two millions of additional revenue should be raised, he knew no reason why it should not be by means of the produce of a tax on that description of property. It should, however, be remembered that Pitt found it necessary to abandon the idea, and he was not a man to shrink from carrying out his plan unless he had found insurmountable difficulties in the way. But a tax on successions would, in his opinion, act unequally. The various members of a family might, for instance, come to the succession so rapidly that even in the life of an ordinary man the property might pass through six or seven hands. He did not wish to diminish a tittle of the revenue to be derived from this tax; but he earnestly pressed it upon his noble Friends in the Government that they should well consider whether they had made a wise selection in adopting this method of raising the revenue from the land. In his own mind he was convinced that they had made an injudicious selection; but though they had made an injudicious selection he should still exceedingly regret if they were not able to carry their general measure into effect. Whilst desirous of carrying that general measure into effect, therefore, he was also desirous that parts of it—and this one in particular—should be well considered before they adopted it as a final measure, upon which the continuance or destruction of the Government should depend.

LORD STANLEY OF ALDERLEY would remind the noble Earl opposite (the Earl of Malmesbury) of a reply which he had given on a former occasion to the effect that Her Majesty's Government were not prepared to bring forward any measure on the subject of local taxation in the present Session. The matter had been under consideration, and if their hands had not been so full of other grave matters, they would not have hesitated in bringing forward such measures as they might have considered expedient. There was certainly no ground for accusing Her Majesty's Government of not having brought forward a measure on the subject, when during the whole of the last year, when the late Government was in office, and the noble Earl was himself a Member of it, no proposition of the sort was brought forward; and the Chancellor of the Exchequer himself stated that he was not prepared or disposed to make any alteration in the mode of levying the local taxation of the country. He thought, moreover, their Lordships would find that they could not, with any advantage or chance of success, introduce a measure into this House in the first instance.

The MARQUESS of SALISBURY, with reference to the last observation of the noble Lord who had just sat down, said the only measure which had been passed upon the subject had originated in their Lordships' House.

Petition ordered to lie on the table.

CLITHEROE ELECTION.

LORD BEAUMONT, in rising to call the attention of the House to the fact that no answer had been given to the Message from the House of Commons, on the 14th April last, praying the House of Lords to agree to a joint Address to Her Majesty for a commission of inquiry respecting the Clitheroe election, said he was not influenced by any feeling towards the borough of Clitheroe, with which he had no connexion; but he hoped, by bringing this case before the House, he might be able to elicit some suggestion from some noble Lord which would enable the House to escape from the undesirable position in which it now stood towards the House of Commons in respect to this subject. He desired, therefore, to separate the merits of the Clitheroe election from that part of the question which simply referred to the position in which the House now stood. The circumstances of the case were these: An Election Committee was appointed on the 18th February, which sat for some days, and on the 28th February reported that Matthew Wilson, Esq. was not duly elected—that the election was void—that Matthew Wilson, Esq. had been by his agents guilty of bribery and treating at the last election, but it was not proved to the Committee that it had been with his knowledge or consent; the Committee further reported that extensive and systematic treating, together with other corrupt practices, had prevailed at the last election, and that the electors had been unduly influenced by intimidation. Upon the 14th of April, a Message was sent up to this House from the House of Commons, asking their Lordships to agree in a joint Address to the Crown. A conference was held, and a report was made to this House that the House of Commons had agreed to an Address. The Address to which their Lordships' concurrence was desired was worded in the usual way. But, as no Motion whatever was for some time made upon the subject, the noble Earl (the Earl of Derby) opposite had put a question to the Government as to what were their intentions. The reply was, that the Government did not intend to take any steps on the subject. No Motion was therefore made, and they were in consequence put in this anomalous position, that a Message had come up to them from the House of Commons, to which no reply whatever was returned. Virtually this had the effect of preventing a writ from being issued, and it also indicated that their Lordships did not feel much inclined to concur in the Address. In other words, it showed that the House thought that an eletion for Clitheroe should take place, and yet had the effect of preventing any such election. The inconvenience of such a position was evident, as well as the absurd contradiction involved in it. He also thought that it was not treating the House of Commons with proper respect; some reply, at any rate, ought to be sent to the other House. The same thing might occur again and again, and the course they now adopted might be drawn into a precedent for the future. The words in which the report of the Committee was couched did not correspond with those in the Act of Parliament; and though, on a former occasion, when there was a variation in the words, they held that the Act had been virtually complied with, yet, in the present case, the difference appeared to him sufficiently wide to induce him, unless he was otherwise advised by those noble and learned Lords who could speak with more authority on the subject, to object to their Lordships agreeing to the Address of the other House. He should like to know from the Government what they intended to do with reference to the Address.

The EARL of ABERDEEN: I think it is time that the House should come to some decision upon this question. Some time ago, a noble and learned Friend of mine on the other side of the House (Lord Lyndhurst), who has now left his place, asked me what my intentions were with respect to the Address on the subject of the borough of Clitheroe. I told him, in answer, that, though I had moved that your Lordships should agree to other addresses of a similar nature, which had been sent up from the House of Commons, it was not my intention to make any such Motion in reference to that Address; but, I said, it was of course competent for any other noble Lord to make such a Motion, if he thought proper to do so. I therefore waited to see if any noble Lord would move that the Address be agreed to. If I recollect right—but I may be mistaken—my noble and learned Friend gave some sort of intimation that he would not. I concluded, therefore, that it was not the wish or intention of any noble Lord to propose such a Motion. Under these circumstances, I felt it incumbent upon me to suggest a course for the adoption of your Lordships upon this subject; assuming, as I do, that your Lordships are disposed to agree in not adopting the Address of the House of Commons, the first consideration is, what is the most proper and suitable course for us to pursue, both with reference to this and to other cases of the like character. There are different ways in which we may not agree to this Address. The natural course would be, I think, to move that it be taken into consideration this day six months. That course we pursue with respect to all Bills sent up from the other House which do not meet with your Lordships' concurrence, leaving it to them to discover what your Lordships have done by searching the Journals of this House. That was considered the most constitutional mode of proceeding with reference to the other House. In former times, I believe, when your Lordships disagreed from a Bill sent up from the Commons, you did not move the reading of the Bill on a particular six months; but you rejected it absolutely, and it was in consequence of considering the former the most courteous mode that you adopted it. The other way your Lordships can proceed is by conference, at which you may state the reasons which have induced you to differ from the Address of the Commons; but I humbly recommend that the first course should be adopted in the present instance, and that you should agree to the Motion that the Address be considered this day six months. Then comes the question, if that Motion is agreed to, as I take for granted it will, is it proper or expedient to communicate it to the House of Commons, or to leave them to discover it by an inspection of your Lordships' Journals? I confess that upon this point I have no very decided opinion. On the whole, I should rather be disposed to adopt the first course, and to make no communication to the House of Commons, and to leave them to discover the mode in which your Lordships have dealt with this matter as they do when Bills are rejected by your Lordships. But, at the same time, if it be thought more respectful to the House of Commons to inform them what has taken place here, I have no objection to that being done. My opinion, however, is in the opposite direction, and I will, therefore, move a Resolution to this effect:—

> "That the Address to Her Majesty, in relation to the borough of Clitheroe, agreed to by the Commons, and communicated to this House at a Conference on the 14th of April last, be taken into consideration this day six months."

To that Resolution I have nothing further to add, except to say that I will not object to its being communicated to the House of Commons if any of your Lordships should so desire.

Lord ST. LEONARDS said, he had felt it his duty to read over the evidence in all these cases, and in the present one he considered it was quite impossible for their Lordships to agree with the House of Commons. There was, however, such a general agreement upon that point, that it was not necessary now to enter into any discussion upon it. He confessed it struck him as more respectful to the House of Commons to communicate their decision; but he was sure their Lordships would not object to any course which would be most agreeable to that House. There was this difficulty, however, that if they had a Conference with the House of Commons on the subject, they would create a precedent which might extend to other cases. He was very much inclined, so far as his own feelings were concerned, to adopt the Motion of the noble Earl at the head of the Government.

Lord REDESDALE had communicated with some parties on the subject, and confessed he was inclined to think that they ought to take some steps to make their decision known to the other House. They must remember that this was a matter in which the liberties of the House of Commons were concerned. They had sent up a message desiring the concurrence of their Lordships in an Address for an inquiry into the practices at elections for the borough of Clitheroe. Their Lordships did not think it expedient to concur in that Address; but it was perfectly open to the House of Commons to adopt any other course which they might be disposed or think fit to take in regard to the borough. If they came to the conclusion not to join in the Address, he thought it would be desirable, in courtesy to the House of Commons, to communicate to them their determination.

Lord BEAUMONT said, he perfectly agreed with his noble Friend the Chairman of Committees, as to communicating the Resolution just passed to the House of Commons. Of course, he presumed his noble Friend was the proper person to move for a communication.

The Earl of ABERDEEN said, as he had already intimated, he would acquiesce in a Motion for a communication if any noble Lord desired it. He would move the following Resolution :—

> "That a Message be sent to the House of Commons, That this House, having considered the report of the Select Committee appointed to try a petition, complaining of an undue Election and Return for the borough of Clitheroe, and the Minutes of Evidence taken before the said Committee, together with the Proceedings of the said Committee, do not think it expedient to Address Her Majesty, praying Her Majesty to cause Inquiry to be made pursuant to the Provisions of the Act 15 & 16 *Vict.*, cap. 57."

On Question, *agreed to*,
House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, May 12, 1853.

Minutes.] Public Bills.—1° Lunacy Regulation; Lunatic Asylums; Lunatics Cure and Treatment; Burgh Harbours (Scotland); Recovery of Personal Liberty.

CIVIL SERVANTS OF THE CROWN.

The Marquess of CHANDOS said, he begged to ask the right hon. Chancellor of the Exchequer whether the petition of the civil servants of the Crown (presented on the 3rd December, 1852) had been yet under the notice of the Government, and whether any and what steps had been taken to inquire into the allegations and the prayer thereof?

The CHANCELLOR of the EXCHEQUER said, he was obliged to the noble Lord for giving him this opportunity of answering the question, because he thought it appeared from the anxiety on the subject that the answer which he had given to a former question on the same subject could not have been fully apprehended. What he had intended then to say, and what he very gladly restated now, was, that the subject of the petition of the civil servants of the Crown had been and was under the consideration of the Government. He hoped he would not be understood, by so saying, to be giving any pledge as to what the result of that consideration might be. It was necessarily a somewhat slow process. When the petition was presented, it did not contain the fundamental computation of debtor and creditor account on which the prayer was founded; and a very considerable time elapsed before that computation came into his hands. It had now, however, been put into a train for examination, and, when the facts should be understood, the matter would be fully considered by the Government, as it was a matter of considerable importance, bearing essentially upon the interests of the public service.

EXCISE DUTIES UPON SPIRITS BILL.

Mr. CRAUFURD said, he was anxious to know what course the right hon. Gentleman the Chancellor of the Exchequer intended to pursue with respect to this Bill?

The CHANCELLOR of the EXCHEQUER said, that the Resolution relating to the Excise duties had been passed by the House in the usual manner, for the purpose of enabling the duties to be charged, and also for the purpose of preventing any confusion that might take place with reference to the transaction upon the part of the producer and of the consumer. It was understood, however, that the final judgment of the House in regard to those duties would remain entirely unaffected by that Resolution. The next question which arose was, whether that judgment should be given upon the second reading of the Bill, or when the House went into Committee upon it? The hon. and gallant Member for Londonderry (Captain Jones) had stated his intention of taking the sense of the House upon that part of the measure which had reference to Ireland, but had omitted to mention at what stage of the proceedings he would do so. His (the Chancellor of the Exchequer's) duty would be, if the hon. and gallant Gentleman should decide upon taking the sense of the House upon going into Committee upon the Bill, to move that the second reading should take place that evening. If, however, the hon. Member should prefer entering upon the discussion when the Bill was being read a second time, of course the second reading must be postponed, and he (the Chancellor of the Exchequer) would make such arrangements as would secure a full opportunity for its being canvassed. He was of opinion, nevertheless, that it would greatly facilitate the progress of public business if hon. Members would allow the Bill to be read a second time. Its provisions could afterwards be fully discussed upon the occasion of going into Committee upon it. He wished, however, to pursue that course with respect to the measure which would best suit the convenience of the House. He should take that opportunity of giving a notice relating to another subject which was before the House, namely, the Resolutions respecting the assessed taxes. It appeared to him that it would be for the convenience of the House, as well as greatly for the convenience of parties out of doors, if there was a general disposition in the House to pass those Resolutions *pro formâ*, —he meant in the same way as had been done with regard to the spirit duties, without any one being considered committed to the plan, so that he might be allowed at once to introduce the Bill and take the discussion afterwards. The reason why he made this suggestion to the House was this—that the whole question in this case turned on the amount and nature of the exemptions which the House might be disposed to introduce. If the House was disposed to introduce a very great number of exemptions, then it might become questionable whether the measure ought to be proceeded with. The measure proceeded on the principle of reducing, simplifying, abolishing, and restricting exemptions; but it would be impossible, and quite contrary to rule, to proceed to specify the exemptions in the Resolutions themselves; and therefore the House would not be in a position to discuss the subject fairly and fully on the Resolutions. On that ground he suggested, as the most advisable course to pursue, that he should be allowed, without committing any one, to have those Resolutions passed and reported, and a Bill introduced on the subject. This would enable him to give a long notice before proceeding to discuss the Bill at all, and all parties would be aware of the intentions of the Government as they stood, and would have ample time to make any requests they might have to make. This was the course which he should pursue, if no hon. Member objected to it, but of course he should not press it unless it was generally considered for the convenience of the House.

MR. DISRAELI said, it appeared to him that the course proposed was a reasonable one, but the House would expect that the right hon. Gentleman should redeem his promise, and secure a proper time in order to consider the provisions of the Bill; and that they should not be put in the same position as they were put in with respect to the financial Resolutions, which were never discussed on those stages in which it was generally understood the principles of measures should be discussed.

The CHANCELLOR OF THE EXCHEQUER said, he should take care that ample time was given.

CAPTAIN JONES said, he thought the discussion with respect to this Bill had assumed such a form, that it would be impossible for him to take the sense of the House upon it upon the second reading, and that he would do so when the Bill went into Committee.

The CHANCELLOR OF THE EXCHEQUER said, he should consult the convenience of the House, therefore, as far as possible in the matter.

In reply to a question from Mr. CRAUFURD,

The CHANCELLOR OF THE EXCHEQUER said, he should propose the second reading of the Bill after the Resolutions upon the subject of the legacy duties should have been disposed of.

NEWSPAPER STAMP DUTIES.

MR. J. L. RICARDO said, he wished to know when the promised Bill with regard to newspaper stamp duties would be laid on the table of the House. The reason that he put the question was, that several prosecutions for an infringement of the law were now going on, and it was important to know what the Government intended to do in the matter.

The CHANCELLOR OF THE EXCHEQUER said, his hon. and learned Friend the Attorney General was better informed than he could possibly be with respect to the prosecutions in connexion with newspapers which were now baing carried on. With respect to the general question, he should observe that the hon. Member did not seem to be aware of what had fallen from him (the Chancellor of the Exchequer) a few days before with respect to the Bill in question. He had then stated that a Bill upon the subject of newspapers had been prepared, and was about to be submitted to the House; but that there were some provisions in that Bill which bore upon other subjects, namely, the questions of the repeal and the modification of advertisement duties, and that, therefore, it would be for the public convenience that the introduction of the Bill should be postponed, in order that there might be full time for collecting information with regard to the subject of advertisement duties. That statement, made upon a previous evening, had, so far as he could understand, met with the approbation of the House; and he should still, therefore, ask for a postponement of the measure until he should be prepared to announce the course which the Government would be prepared to take in the case of advertisement duties.

The ATTORNEY GENERAL begged to say that a prosecution was at present pending, and would come on to-morrow before the Court of Exchequer, against Mr. Collett, on the subject of newspaper stamps. That prosecution, he might add, had been commenced at the express instance of the hon. Member for Stoke-upon-Trent (Mr. Ricardo) himself, who, having stated that Mr. Collett was anxious to have the question settled, and would discontinue his newspaper until the question was settled, he (the Attorney General) thought it but just towards Mr. Collett to institute the prosecution.

Mr. J. L. RICARDO said, that although the prosecution in question had been undertaken at his suggestion, yet he was under the impression that a Bill would have been laid upon the table of the House in compliance with the promise made upon the 6th December. His desire was that the prosecution should have been transferred from Bow Street to the Court of Exchequer, which was, he believed, the proper tribunal.

Mr. NEWDEGATE said, he wished to ask the Chancellor of the Exchequer whether it was the fact that, while English newspapers paid one penny, Irish newspapers paid only three farthings for their stamps?

The CHANCELLOR of the EXCHEQUER said, he would inquire into the matter.

THE GOVERNMENT AND THE IRISH MEMBERS.

The Order of the Day for the House to go into Committee of Ways and Means read.

On the Question, That the Speaker do leave the Chair,

Captain MAGAN said: Sir, I perhaps ought to apologise for again bringing before the House a subject which has been so frequently alluded to; but as it is one in which I am personally concerned, I hope I shall be excused for so doing. I wish to be allowed to repeat what I said in this House on Monday evening, and to point out to the hon. Member for Cambridgeshire (Mr. E. Ball) that what he attributed to me was incorrect. The hon. Gentleman asked me if what I had stated on Friday night had been accurately understood by him, and he also requested me to be so good as to repeat to the House the statement I made; and he followed up that request by several other requests, with which I have no power to comply. With reference to the first part of the question, I have to inform the hon. Gentleman that what I said was not correctly understood by him, nor anything like correctly understood. What I said was, that certain Members of Parliament who attended a certain meeting asserted that if the party that was expected to come into office should succeed in accomplishing their object, no income tax should be imposed on Ireland. I never in any way alluded to the right hon. Gentleman the Secretary to the Treasury (Mr. Hayter). He was not there; and I think it was rather a mischievous interpretation to put upon what I did say, and an interpretation which has annoyed me very much. There is no objection to my naming the Members who were present at the time, because they have all had sufficient notice. I have managed to squeeze a notice on the paper, which the hon. Gentleman refused to do. As long as he thought he should make a party question of this subject, and it suited his purpose, he was willing to urge the matter; but the moment he found it would not answer the purpose he had in view he dropped the question, as if he had picked up a red-hot potato. I may be allowed to say that I made a mistake in alluding to three Members. I was rather uncertain at the time as to one hon. Gentleman, but I have asked one of them, and I find that the course of conduct he pursued was different from that which on Monday I thought he had pursued. ["Name! name!"] I will not name that hon. Gentleman, because it is unnecessary now to bring his name into the discussion. I think it right to say that it is not the hon. Member for Mallow (Sir Denham Norreys). His name never entered into my head at all. The hon. Members to whom I alluded as having conveyed the information to me were the hon. Member for Roscommon (Mr. F. French), and the hon. Member for Tralee (Mr. Maurice O'Connell).

MR. FRENCH: I am sure, after the statement which has been made by my hon. Friend the Member for Westmeath (Captain Magan), the House will think it right that I should say something, either to contradict the statement which he has made, or to confirm it. I have to say, then, that I have no contradiction to offer to the statement of my hon. Friend, except this much—that I think he gave the House to understand that there had been some secret negotiation on the subject; whereas there was no secret negotiation whatever. Everything that did happen was open and aboveboard. There was nothing to conceal, nor any attempt made to conceal anything. If the House will allow me, I will state exactly, so far as I am aware, what was done. There was a meeting of the Irish Members held to consider what course it would be advisable to take in respect to the Budget which was brought forward by the right hon. Gentleman the Member for Bucks (Mr. Disraeli). At that meeting a good deal of dissatisfaction was expressed at the proposed partial extension of the income tax to Ireland; but it was said by some Members present that, in the event of the Government of Lord Derby being turned out upon the Budget, what reason had we to suppose that an income tax, limited in extent, or probable in its entirety, might not be imposed upon Ireland by the Government which succeeded them? The debate was going on when I left the room upstairs, and, on coming down, in the course of the evening I met the right hon. Gentleman the Member for Wells (Mr. Hayter). I stated to him what objections were being urged; and I rather think I asked him whether there was any foundation for supposing that a change of policy was likely to be adopted by the leading Whigs; and whether or not it was likely that, should they again come inte power, they would introduce the income tax into Ireland? The right hon. Gentleman told me, if my memory serves me rightly, that he had spoken to some—and I think he mentioned the right hon. Gentleman the Member for Halifax (Sir C. Wood) as one of them—and he believed that it was not the intention of the leading Whigs, if they again returned to power, to depart from the policy which they formerly pursued. After this the meeting adjourned. I went up to the next meeting, and at that meeting the chairman, the hon. Member for Tralee (Mr. M. O'Connell) stated, as well as I remember—and I have spoken to two Gentlemen who were present, and they tell me that my recollection is correct—that he had authority to state that if the Whigs returned to power, it was not their intention to impose the income tax upon Ireland. I am not aware that I made any similar statement to the meeting; but I will not shrink from saying that, if my hon. Friend has not stated it, I should have done so. I may be asked why I have not accused the present Government of a breach of faith in extending the income tax to Ireland after that statement. The reason is, that from the formation of the present Government, before, indeed, it was actually formed, reasoning from what I had known of the noble Lord at the head of it, I considered that it was out of my power to recognise it as a Whig Government; and I did not think it would be honourable in me to consider them as Whigs in one case, and to refuse to treat them as Whigs in another. It was under these circumstances—and under these only—that I did not make that charge. I may add, that I have never thought of asking the right hon. Gentleman the Member for Wells whether the right hon. Gentleman the present Chancellor of the Exchequer was of a similar opinion with respect to the income tax as the leading Whigs of whom he had spoken. It never entered my head to do so. I have had no communication, directly or indirectly, with that right hon. Gentleman since the occasion to which I have referred. I trust I have not misrepresented him. If I have, I assure him that it has arisen solely from having misunderstood him. I desire to say, also, that if I have misled any hon. Gentleman by my statements, I have done so unintentionally. I gave them what I believed then, and believe now, to be an accurate statement of what took place. Under these circumstances I presume it is unnecessary for me to apologise for the course I took. I think it a fair and legitimate course to ask of any person likely to come into power with a new Government, what are the intentions of that Government, so far as they entertain any.

MR. O'CONNELL: Sir, as my name has so frequently been alluded to in the course of this debate, I think it right to offer a few observations to the House in corroboration of what has just fallen from my hon. Friend the Member for Roscommon (Mr. F. French). There were no secret negotiations whatever between myself and the right hon. Gentleman the Member for Wells (Mr. Hayter). I met that right hon. Gentleman casually, and he asked me how I was likely to vote upon the Budget? My answer was, that I never gave a Tory vote since I had entered Parliament, and that I never would give one. The right hon. Gentleman then asked me what I thought the feelings of the other Irish Members were upon the subject? I replied that it was my opinion that if the Irish Members could have anything like an assurance that the party which was expected to come into power in the event of the overthrow of Lord Derby's Administration would not impose an income tax upon Ireland, such an assurance would have great influence in determining the course which they would take. This conversation took place upon the steps of the Reform Club just as I was preparing to come down to the House. The right hon. Gentleman called my attention to the Budget of the right hon. Baronet the Member for Halifax, and to his speech in the year 1851, in which the right hon. Baronet had stated that he did not mean to extend the income tax to Ireland. I mentioned what had taken place during this conversation at the meeting of the Irish Members, not as an announcement which I was authorised upon the part of the present Government to communicate, but merely as a statement of what had fallen in conversation from the right hon. Gentleman the Member for Wells. There was a meeting of Irish Members held afterwards, at which it was asked whether the right hon. Gentleman (Sir C. Wood) would repeat his statement in the House? I mentioned that to the right hon. Member for Wells, and the right hon. Baronet did again state it in the House. That is the entire matter as it occurred. But I must say that my vote was not influenced by what transpired; and my reason for voting as I did was this—that I thought the interests of Ireland would be safer in any hands than in those of the late Government.

Mr. HAYTER: Sir, I trust, now that this matter has been more fully explained, that I may be permitted to say a few words as to the share I had in the conversation which took place between the hon. Members for Roscommon and Tralee and myself. I dare say that the statement of the hon. Member for Roscommon (Mr. F. French) is perfectly true in substance, but I have no recollection of it. I do not at all dispute the facts. I have no doubt that he had a communication with me in the hurried manner in which many such communications are made, and with the recollection of which I confess I cannot charge my memory. I think, however, it is quite impossible that I could have said that I was permitted to state, or that I had any authority or ground for stating, the opinions of any of those who may be called the Whig party, further than has been mentioned by my hon. Friend the Member for Tralee. I have a distinct recollection of what took place between the hon. Member for Tralee and myself. He alluded to the financial statement of the late Chancellor of the Exchequer, and he certainly asked me whether I thought it probable that the Government likely to succeed, composed of that party of which I am a humble member, would be likely to impose an income tax on Ireland. I referred him to the speech of my right hon. Friend the Member for Halifax (Sir C. Wood) in 1851, when the right hon. Baronet distinctly stated that he thought Ireland was in too exhausted a condition to bear the imposition of the income tax. I stated, moreover, my belief that my right hon. Friend (Sir C. Wood) still retained the opinion which he expressed in 1851, and that I had no doubt he would say in the House what he had said out of the House. I said I believed that if my right hon. Friend were called upon to do so, he would have no hesitation in stating that Ireland was in too exhausted a state—considering the encumbrances then pressing upon her—to bear the income tax. I never stated, however, to the hon. Member for Tralee that I had any authority from the right hon. Baronet (Sir C. Wood), or from any other persons, to express their opinions. I think I had a right—as I conceive every man has a right—to state what I knew to be the political opinions of those with whom I had the honour of acting. Between the statements of the hon. Member for Roscommon and of the hon. Member for Tralee, there is no material difference, except that the hon. Member for Roscommon says, as far as his recollection goes—and no doubt he states what he believes to be perfectly true—that I said I was expressing the opinion of the leading Whigs, or of the Whig party. I can only say, that if I did make such a statement, I was incorrect in doing so; I have no recollection of it, and it is inconsistent with what I said to the hon. Member for Tralee.

Sir C. WOOD: Sir, I am glad that this

matter has been fairly brought before the House, and that we are no longer dealing with insinuations. I feel grateful to the hon. Member for Mayo (Mr. G. H. Moore) for having called attention to the subject the other night, and to the hon. Member for Westmeath (Captain Magan) for having brought it so clearly under the notice of the House this evening. With regard to my share in the matter, what I said was said in this House, and it is recorded against me in *Hansard*, I have not the least doubt. As I do not say one thing in the House, and another out of it, I must have said to my right hon. Friend the Member for Wells (Mr. Hayter)—though I do not recollect having done so, or to anybody else—exactly what I had said in the House—namely, that in the then circumstances of Ireland, with the charges pressing upon her at that time, I was against extending the income tax to that country. I said I thought the proposal of the right hon. Gentleman (Mr. Disraeli) to extend the income tax partially to Ireland, could not be maintained. I stated that the charges imposed by what was called the labour-rate in Ireland pressed so heavily upon the western districts of that country that they were not in a condition to bear the income tax in addition to those charges; and I am sure that if any one will take the trouble to refer to the record of what I then said, he will see that no other construction can be put upon my statement. That was my opinion then, and it is my opinion now. I say now, as I said a fortnight ago, that if it had been proposed to impose the income tax upon Ireland in addition to those charges, I would not have been a party to such a measure. I think, however, when the western districts of Ireland are benefited, as they will be, by the remission of the consolidated annuities—and I showed the other night that many of those districts will gain relief far beyond the charge imposed upon them by the income tax—that the proposal of the Chancellor of the Exchequer is a measure which will be very advantageous to that country. I see no inconsistency, therefore, in now voting for the imposition of the income tax generally upon Ireland.

Mr. MALINS: I think what has passed ought to be a caution to some Members of this House as to the manner in which they make statements purporting to be matters of fact. Correctness and accuracy are still more incumbent upon them when they state matters of fact with the declaration that such matters came within their own knowledge; but most of all is correctness and strict adherence to the exact truth required when they state "matters of fact" which affect personal character. The hon. Member for Westmeath distinctly stated that certain Irish Members were waited on by the accredited agent of the Whigs and Peelites, who made this proposal to them, that if the Irish Members joined in turning out the Derby Government, the Whigs in return would undertake that the income tax should not be extended to Ireland. When I heard that statement, my belief was that it arose out of a misapprehension; for though I am politically opposed to the Gentlemen who sit opposite, I trust no political differences will ever induce me to think less highly of their personal honour; and, therefore, when, a few nights ago, the noble Lord the Member for the City of London denied that he had done a certain thing, that denial was conclusive in my mind. I believed him implicitly, and there was an end of it. But the charge having been made by the hon. Member for Westmeath, in such distinct terms, I thought the House was called upon to have the matter satisfactorily explained. It now turns out that the hon. Member for Westmeath did make an erroneous statement—

Captain MAGAN: I did not—I deny it. ["Order, order!"]

Mr. MALINS: It now appears that the "accredited agent," whom I ventured the other night to say we knew as well as if his name had been mentioned—for the House could not have understood the words to refer to any one else—was not a party to any compact whatever; but that, so far as he was concerned, the whole thing from beginning to end, was one of those numerous conferences to which the right hon. Gentleman was a party—and I suppose no one is a party to a greater number of conferences than my right hon. Friend—it was one of those loose conversations in the lobby—one of those loose conversations in the lobby, the library, or on the steps—in which I suppose every Member of the House from time to time, takes a part. I admit that I do. Although politically opposed to the right hon. Gentleman, I have known him for twenty years; he is a member of the same profession as myself, and I must say it always affords me pleasure to converse with him. But when an hon. Member, on the strength of one of those "loose conversations," gets up and makes a statement like this, and brings a charge against the Government, which, if true, would involve a degree of perfidy entirely unworthy of the Government of this great nation, that hon. Gentleman, according to my views of right and wrong in these matters, owes an apology to the House for having made such an erroneous statement. For I proceed upon this principle, that the characters of public men are the property of the nation, and that anything which is calculated to lower public faith in public men—in the men who govern this country—is also calculated to lower the character of the nation itself. Therefore, I may be permitted to repeat what I set out by stating, that the discussion which has occurred ought to be a lesson to all hon. Members, before they make statements of facts involving personal character, to be careful to ascertain that those facts are correct.

CAPTAIN MAGAN: Sir, I must be allowed a word in explanation. The hon. Gentleman who has just sat down has thought proper to state, in plain English, that I have not told the truth. He has fastened upon an expression which I made use of—"an accredited agent." Now, Sir, I considered the hon. Members who communicated with the Irish representatives—and I maintain I have a right to consider any hon. Member in whatever light I may think proper—I considered those hon. Gentlemen who were favouring a change of Government, as acting in the capacity of accredited agents, and I believe I was fairly entitled to regard them in that light, from the circumstance of their being generally favourable, one to the Whig party and the other to the Peelites, and from the fact also of their being strongly in favour of a change of Administration. But I did not state that they were accredited agents—I merely stated that they were considered as such; and I contend that I had a right to consider them as such, in the same manner as I have now a right to consider the hon. Gentleman who last addressed the House as the accredited agent of Lord Derby. Sir, I certainly dispute the statement which that hon. Gentleman has made with respect to what fell from me on the present occasion. I suppose, Sir, I must speak to him strictly in a Parliamentary sense, but, nevertheless, I will say that his statement was both malicious and untrue.

MR. SPEAKER: The hon. Gentleman has made use of words which cannot be permitted in this House, and I therefore call him to retract them.

CAPTAIN MAGAN: Sir, I have no objection to withdraw the epithets, but the sense remains.

MR. BOWYER: Sir, I am anxious to say a few words upon this subject, especially because I was present at all the meetings held by the Irish Members in the early part of the Session; and, because, as I have voted very frequently against Her Majesty's present Government, I cannot be supposed to have any bias in their favour. Now, Sir, I can only say that at not one of those meetings did I hear any communication, either by an accredited agent or by any other person, as to the intentions of the Gentlemen who now occupy the Treasury benches with respect to the extension of the income tax to Ireland. No doubt, as we have been told, conversations were held on the subject, in some of which the right hon. Gentleman the Member for Wells stated his impression of what he believed would be done in the event of Her Majesty's Opposition becoming Her Majesty's Ministers; but, Sir, I am quite sure that nothing more took place than that. I may say, that I knew nothing of this matter till two or three days ago, when it was mentioned by the hon. and gallant Member for Westmeath; but as a circumstance which corroborates my impression of what took place, I may mention that at the meeting of Irish Members held immediately before the debate which resulted in the expulsion from power of the right hon. Gentleman the Member for Buckinghamshire and his Friends, there was a feeling among some of us that some communication ought to take place between those right hon. Gentlemen who now constitute Her Majesty's Government and ourselves, before we should resolve to give a vote which would in all probability produce a change in the Administration. There was also an opinion among us—an opinion entertained by myself and others—that such a course was not desirable upon the whole; but if communications had already taken place, through means of an accredited agent, or any other authorised person, as to the intentions of the Whig party with respect to the imposition of an income tax upon Ireland, I think the discussion to which I have referred would not have taken place among us; and I submit that the mere fact of a difference of opinion among us must show that no communication by an accredited agent had taken place between the Whig party and the representatives of Ireland in this House.

[MESSAGE FROM THE LORDS—That they have agreed to certain Bills.]

MR. LUCAS: Sir, I do not wish to prolong the discussion; but as my hon. and learned Friend the Member for Dundalk has thrown some doubt upon the fact of a communication having been made to the Irish Members, I will take the liberty of stating the main facts, which I recollect as distinctly as any facts that have come under my observation. There had been such a discussion as the hon. Member speaks of at a previous meeting of the Irish Members; but at the adjourned meeting the hon. Member for Tralee, who occupied the chair, told us that he had a communication to make by authority from a leading Member of the Whig party. I do not know that "authority" was the exact word he used, but the effect of his communication was, that he was authorised to state to us, that if by our votes Lord Derby's Government was ejected from office, the Whig Government that succeeded to Lord Derby would not put an income tax upon Ireland. I have not been a party to bring this subject in any way, either directly or indirectly, before the House. I have nothing whatever to do with the question which has been raised, except in so far as a doubt has been expressed as to a matter of fact; but I thought it my duty to state to the House what was my own clear and distinct recollection of the circumstances in dispute. I am perfectly certain of this, that a statement was made to us, which I have no doubt was intended with a view to the course we might take on the Budget of the right hon. Gentleman the Member for Buckinghamshire. There can be no question it was made to us to influence our votes. Now, Sir, when a Gentleman has to make up his mind as to a particular course, and when a number of considerations of various kinds equally influence him, it is impossible for him to say which has most influence in determining his conduct; yet, Sir, as a matter of fact, there can be no doubt that the communication referred to—authorised as we were entitled to consider it, and as we did consider it—followed up by the speech of the right hon. Gentleman the Member for Halifax, who warned us not to be gulled—I am repeating the very words in the report of the right hon. Baronet's speech which I read a few days ago in *Hansard*—by the right hon. Gentleman the Member for Buckinghamshire, and who told us that Irishmen were less alive to the interests of their country than he considered them to be, if they should be gulled by any proposition to introduce the small end of the wedge of the income tax into Irish finance; I say there is not the smallest doubt that that authorised communication, which it seems now, in some sense or other, did actually proceed from the right hon. Gentleman the Member for Wells—that that authorised communication, which unquesquestionably had its origin with the right hon. Gentleman opposite, and which was followed up by the strong, vehement, and pointed remarks of the right hon. Baronet the Member for Halifax, almost entreating us not to allow ourselves to be deluded, did really, positively, and as a matter of fact, to some extent influence my mind and the minds of others. That it did clearly, and in some small degree—I am not making more of it than it really deserves—influence the course we took, I pledge my honour as a gentleman. I have the most distinct recollection that, to some small but distinctly rememberable degree, the authorised assertion of the hon. Member for Tralee did influence my mind towards the course which I subsequently took; and I have no doubt that it produced the same effect upon the minds of others.

MR. BOWYER: Sir, with reference to what has fallen from my hon. and learned Friend the Member for Meath, I have only to say, that I do not for one moment deny that there had been conversations as to what the Whig party would do, or would probably do, in the event of their coming again into power; but I still assert, that I, for one, did not understand that any statement was made to the Irish Members by an accredited agent, or other authorised person, and that, in short, I did not understand that anything occurred beyond the conversations I have mentioned.

MR. M. O'CONNELL: Sir, the hon. Member for Meath has asserted, in seeming contradiction of what I stated to the House, that an authorised communication was made by me to the Irish representatives. Sir, I never made such a statement. My recollection is perfectly distinct upon the question, and I repeat, I never stated that I was authorised to make the communication which I did make. I could not have stated anything of the kind.

What I really did say was, that I had the fact communicated upon the authority—I mean that it had been mentioned to me in the course of a casual conversation with my right hon. Friend the Member for Wells. But I did not state that either he or any other person had authorised me to make such a statement.

COLONEL GREVILLE: Sir, I merely wish to say one word; and certainly I should not have ventured to do so, or to trespass for a single moment upon the attention of the House, if there had not been some difference of opinion as to what took place at a meeting of the Irish Members. Having been present upon that occasion, and the statement of my hon. Friend the Member for Meath as to what occurred having been called in question, I hope I may be permitted to state what my recollection is of what took place. As far as I understood the hon. Member for Tralee, who occupied the chair on the occasion in question, he distinctly said that he had authority—he did not say from whom—to make this statement, that if the effect of our votes would be to throw out Lord Derby's Government, and to reinstate the Whig party in power, the income tax would not be extended to Ireland. I have the most distinct recollection of those words having been used.

MR. VINCENT SCULLY: I am sure every hon. Member must feel with me the extreme inconvenience of having such lobby conversations made the subject of serious discussion in this House. I have a very clear recollection of all that passed at the meeting of Irish Members, to which so much reference has been made; and having taken rather a prominent part at that meeting, I shall at once clear up all mystery about it, by putting the House in possession of what actually did occur. That meeting was held on Friday, the 10th of last December; the day after the Irish Tenant Right Bill of Mr. Sharman Crawford had, along with other Irish Land Bills, been referred, with the consent of Lord Derby's Government, to a Select Committee. We, the Irish Liberal Members, had assembled, not secretly but in an open and straightforward manner, after the example of the Scotch representatives, and as it was our clear right and duty to do, in order to consider together the course that we ought conjointly to pursue for the benefit of our country. It was stated at that meeting by the hon. Member for Meath, that we had obtained from the Government of Lord Derby what we had never obtained from a Whig Government, namely, that Mr. Sharman Crawford's Bill should be referred to a Select Committee. That statement was evidently made with the view of inducing us to give our support to Lord Derby's Government, and this was the first open manifestation of an intention on the part of Irish Liberal Members to keep that Government in office. Many of us had already made up our minds to do our utmost to put out that Government; but there were others who spoke of giving it what they called "a fair trial." At the very moment we were deliberating at that meeting, Lord Derby was occupied in the House of Lords in making his celebrated declaration, that no matter what might be the report of the Select Committee, he should have nothing whatever to do with Sharman Crawford's Tenant Right Bill, but would repudiate it altogether. But we were not at the time aware of that declaration. Then it was suggested on the other hand, in order to influence us the other way, and induce us to vote against the Budget proposed by the right hon. Member for Buckinghamshire (Mr. Disraeli), that he had introduced the small end of the wedge in his proposition to extend the income tax to Ireland. Some Gentlemen said, "What will the Whigs do if they come in?" Others said—"Let us go on a deputation to ascertain what they will do?" Then it was added by an hon. Member—"Oh, with regard to their intentions, we have it from a very active Member of the Whig party, that if they come into office, they will not impose an income tax on Ireland." I had not in any way interfered, or said one syllable, up to that moment. I immediately rose and said that the Irish Liberal Members represented a great portion of the nation, and that I, for one, would never consent to our placing ourselves in the ignominious position of going on a deputation to any Gentlemen not in office, for the mere purpose of ascertaining their personal intentions towards our country. I said further, that we were an important body, and that if those Gentlemen wanted us, and had anything good to offer us, in order to obtain our support, they knew very well where to find us; but that if they had nothing to offer, there was no use in our running after them. I added that there was nothing in what had recently occurred to encourage us to go on deputations to Gentlemen, whether in or out of office; for that a few days previously some Irish Members had taken it on themselves to go on a deputation to the right hon. Member for Buckinghamshire (Mr. Disraeli), for the purpose of ascertaining his intentions in regard to Mr. Sharman Crawford's Bill; but that right hon. Gentleman had refused even to receive them. And further, that on the previous day the hon. and learned Member for Kilkenny (Mr. Serjeant Shee) had ineffectually sought an interview on the same subject with the Irish Attorney General for the late Government (Mr. Napier). Indeed, that hon. and learned Gentleman told us at our meeting, when expressing his perfect concurrence with my observations, that when he had asked the Attorney General of the late Government to come out of the House in order to talk over the subject, that right hon. and learned functionary, to use an expressive though not very classical phrase, had actually "snubbed" him on the occasion. That was precisely what occurred at our meeting in reference to this matter. It appeared to me that the sentiments which I had enunciated in regard to our not being influenced by any lobby conversations, and as to not lowering our position by voluntering to go on deputations, were assented to and adopted by the meeting. I am sure the hon. Member for Meath is correct in his present assertion, that his vote was influenced to some very slight and infinitesimal extent by the statement made to us as to the intentions of the Whig party, in respect to not enforcing an income tax on Ireland. I confess, however, that at that meeting it appeared to me, and others present, that the hon. Gentleman and some few who acted with him, were using every exertion in their power to induce us to come to a determination to retain the Tories in office. That was our very distinct impression from all that took place—[Mr. LUCAS gave marks of dissent]—although it was not, perhaps, the real intention of the hon. Gentleman, and, of course, if he now denies it, he must be the better judge of what may have been passing in his own mind, but I could only form an opinion from his acts and statements. I must now conclude, as I commenced, by protesting against the inconvenience of making these lobby arrangements or conversations the subject of serious debate in this House. I have never been a party to any such proceedings. To illustrate the inconvenience of attaching any weight to matters of that nature, I shall mention a circumstance which took place within the last few days, when some Irish Members were still in the balance as to the way they should vote on the very difficult question proposed for our consideration by the Chancellor of the Exchequer, namely, the extension of the income tax to Ireland, coupled with a remission of the consolidated annuities. It was stated publicly in an adjoining apartment—the dining-room of this House—by the hon. Member for the King's County (Mr. P. O'Brien), that his individual vote upon the question would be influenced by a conversation he had held with the hon. Member for Mayo (Mr. G. H. Moore), who assured him that if the Tories were to come back into office, we should have a total remission of the consolidated annuities, without the imposition of any income tax; and, further, that the spirit duty question should be settled in the manner originally proposed by the late Chief Secretary for Ireland, without the imposition of any additional duty upon Irish spirits. Now, I want to know whether, if the hon. Gentlemen opposite were restored to office, they would for one instant hold themselves bound to carry out the promises conveyed in that lobby conversation? Of course, it had no influence whatever upon my mind; but the hon. Member for the King' County stated publicly to many of us, that it would induce him to give his vote against the present Budget, and his vote was afterwards given accordingly. That hon. Member at the time mentioned that he would state the whole matter to this House, and I believe that during the discussion on the Budget he rose more than once for the purpose. I informed him that if he did not find an opportunity to state the circumstances himself, it was probable I should do so. I mention them now in order to illustrate the absurdity of being influenced by such unauthorised statements made in the lobby of this House by Gentlemen not in office. For my own part, I have no hesitation in repeating what I declared at the meeting of the Irish Members, that the course which I took at that period to aid in putting the Tory Government out of office, was not in the remotest degree influenced by any conversations which may have been held between Irish Members and persons supposed to represent the Whig party. Neither have any lobby conversations influenced my vote upon the present Budget. I regret exceedingly that an income tax is to be imposed upon Ireland, and hope it may be introduced in the most modified form possible.

SIR ROBERT H. INGLIS: Sir, whether the practice of the hon. and learned Gentleman who has just sat down corresponds with his professions—whether or not he has introduced the authority of lobby conversations—whether this discussion has been raised on sufficient grounds—whether it is calculated to elevate this House in the public estimation—whether representative institutions thoughout Europe may not be prejudiced by the manner in which this first of all representative assemblies has latterly permitted its proceedings to be interrupted, it is not for me to determine. But I do hope that the good sense and good feeling of the House, looking to the mass of public business that is before us, will consider that sufficient space has been allowed to hon. Gentlemen to set themselves right in the judgments of each other out of the House, and that we may at last be permitted to resume the business for which we were sent here. I do not allude to any particular Members—I cautiously abstain from saying any one word that can give offence to hon. Gentlemen on either side; but I do respectfully submit to them that we have had enough, and perhaps more than enough, of this discussion: and when you, Sir, called the Serjeant at Arms to introduce the Messenger from the House of Lords, I must say that I had hoped that proceeding would have interrupted the conversation, and would have induced hon. Gentlemen to think that its continuation was unnecessary.

THE BUDGET—WAYS AND MEANS—THE INCOME TAX.

The House having resolved itself into Committee of Ways and Means; Mr. Bouverie in the Chair,

The Resolution of the Chancellor of the Exchequer relative to the Imposition of the Income Tax upon England and Ireland having been again proposed;—

On the paragraph respecting the "occupation," namely—

"And for and in respect of the occupation of such lands, tenements, or hereditaments (other than a dwelling-house occupied by a tenant distinct from a farm of lands), for every twenty shillings of the annual value thereof, one moiety of each of the said sums of 7*d*., 6*d*., and 5*d*., for the above-named times respectively"—

MR. VANSITTART said, he begged to move as an Amendment, the omission of the word "moiety," and the insertion of the words "third part;" and he would urge in support of it, that the late Sir Robert Peel had thought it necessary, when he introduced the income tax in 1842, to reduce the assessment of the farmers from three-quarters to one-half the rental, and that the causes which induced him to do so existed to a greater degree now than ever before. No person could question the fact, that the profits upon land were much smaller than they formerly were, and at present they were certainly not greater in England than in Scotland and Ireland, where he understood that an arrangement of this nature was to be adopted. To place the farmers of the United Kingdom on a footing of equality was all he asked, and was a measure of justice which ought to be conceded, for no one could assert that the farmers in England were better off than their brethren in Scotland or Ireland; or that the fall in rents had been at all equal to the fall in prices. The Chancellor of the Exchequer on a former occasion urged as an objection to his Amendment, that in the present state of the law the farmers had the option of being assessed on their profits under Schedule D; but, in nine cases out of ten, it was utterly impossible for the farmer to make his appeal on that schedule. He challenged the right hon. Gentleman upon this point; let him make inquiries of whom he pleased—the surveyors, or any persons living in the rural districts. It was, therefore, a most cruel mockery to tell the farmer, when he complained of the pressure of Schedule B upon him, that he might make his appeal under Schedule D. The farmer seldom kept any accounts. Many persons might ask what business had a man to enter upon farming who did not keep accounts sufficiently accurate to show that he had no profits. But what was the case of the farmer? Every tradesman they knew kept accurate accounts, and why? Because unless he did so, he could not prove his debts. But farming was a ready-money business; the farmer sold on one market day, and received his money on the next. He paid wages on the Saturday night, and all his bills the very moment he got his money; therefore he had no necessity to keep accounts, or a clerk, like persons of any other class. But even tradesmen, when they became amateur farmers, were not quite so competent to keep accounts as farmers as they were as tradesmen. He would even venture to say that even Mr. Mechi himself would find it difficult to prove what, if any, was the amount of his profits. How much more difficult then, must it be for one who had been brought up at the plough's tail to do so? Parliament ought not to take advantage of this unhappy position of the farmers, which was no fault of their own, but was the result of the profession to which they belonged. The most successful instance in his (Mr. Vansittart's) own neighbourhood of a man making large profits, and leaving behind him a considerable sum of money by farming, was that of a man who rose from nothing, and who never kept any accounts, for the very good reason that he could neither read nor write. But, instead of quoting instances, he would rather put this question upon its notoriety. He thought if the right hon. Chancellor of the Exchequer would consult those about him, and use the means he had it in his power to do, he would come to the same conclusion with himself (Mr. Vansittart), and admit that the argument as to the power of the farmer to assess himself under Schedule D was no ground for resisting the Amendment he now proposed. Having placed his case thus far in what he hoped to be a very favourable position, he thought he might now call the attention of the right hon. Gentleman to the speech which was delivered by him on the debate upon the Budget of the late Chancellor of the Exchequer in December last. He (Mr. Vansittart) heard that speech with great satisfaction, because he considered, whatever might be the fate of the measure then under discussion, or whoever might be the future Chancellor of the Exchequer, that, at any rate, those who were concerned in rural affairs would meet with justice from the hands of the right hon. Gentleman, as well as from the hands of the then Chancellor of the Exchequer. Such was his conviction on hearing that speech; but he was sorry to say such was not his conviction now. The right hon. Gentleman on that occasion reproached the late Chancellor of the Exchequer with having betrayed his friends by not doing enough for them; he drew a most striking picture of the position of a yeoman occupying his own farm of 70*l* or 80*l*. a year, who was to be called upon to pay an income tax on an income above 50*l*.; a house tax, and other things; and certainly any yeoman farmer who at a market dinner or elsewhere, should have read or heard of that speech, would have felt thoroughly convinced that that right hon. Gentleman would at any rate not have imposed this new tax upon him. Let them take the case of a yeoman at 80*l*. It was true he might not be assessed to the full amount, but he would be debarred the right of appeal under Schedule D; therefore, he would have to pay the income tax both as owner and as occupier. He would have to pay for the cart in which he drove himself to market, or his wife to church. In addition to that he would have to pay the succession tax, which possibly might compel him to mortgage his estate which it might have been the pride of his family to enjoy as long as the family of any Gentleman in that House had enjoyed their family estate. He thought, therefore, this was a case on which he might fairly appeal to the right hon. Gentleman for a favourable consideration. But if the right hon. Gentleman should oppose his Amendment, he then feared he should fail, because he knew there were many hon. Gentlemen on his (the Opposition) side of the House, as well as on the Ministerial benches, who considered that it was their duty, though professedly the friends of the farmers, to recognise the responsible situation of the servants of the Crown, and their right to look for consideration from that House. But he thought he might appeal to the language used on a former occasion upon this subject. The right hon. Gentleman the Member for Halifax (Sir C. Wood) appealed to all who voted for the Budget of the late Chancellor of the Exchequer, and who agreed to the income tax as that right hon. Gentleman proposed it, to support the present Budget. The right hon. Gentleman (Sir C. Wood) pressed that view of the case; and he (Mr. Vansittart) thought he was entitled to press that view of the case also, and to call upon all those who supported the late Government to support his present Amendment; for it was well known that his right hon. Friend the late Chancellor of the Exchequer consented to put upon the English farmer one-third of the tax upon the annual value of the farm occupied by him. In proposing this Amendment, he had no wish whatever to interfere with the conducting of the public business by the Government. This was no party question, nor had he treated it as such, although it was his misfortune perhaps to sit on the Opposition side of the House. He hoped the grounds he had assigned would induce the House to consider the proposition he now made to be just and fair. He thought it would be far better for the right hon. Gentleman the Chancellor of the Exchequer to allow his scheme of finance to have such qualifications applied to it as justice and equity demanded, than to resist all appeals, and to determine on carrying it through as a stereotyped plan.

Amendment proposed, to leave out the word "moiety" in order to insert the words "Third part" instead thereof.

The CHANCELLOR OF THE EXCHEQUER said, he had listened with great satisfaction, so far as he was personally concerned, to the speech of the hon. Gentleman, and although he could not assent to his proposal, he admitted that no one could have presented his case in a more favourable and intelligent manner. He begged to assure the hon. Member that he had not the slightest intention of making any charge against him for not having gone on with his Motion on a former night. It was the duty of Members of the Government to press forward public business as far as they could; but it was no doubt also the duty of others to bring forward what they considered they might in justice propose. He (the Chancellor of the Exchequer) was very glad to hear the hon. Gentleman refer to the succession or legacy duty, because he hoped the Committee would soon arrive at the discussion of that question. He would not expend the time of the Committee by noticing the remarks which the hon. Gentleman had made upon his (the Chancellor of the Exchequer's) conduct in imposing various taxes upon the farmers, notwithstanding the comments he (the Chancellor of the Exchequer) had made upon the taxes intended to be put upon them by the right hon. Gentleman opposite (Mr. Disraeli) in December last. But the taxes which fell upon yeomen—men who cultivated their own land—were not peculiar to that class of persons; they applied to all other owners of land. It should be borne in mind, however, that there was no house tax put upon them (as was the case with the Budget of December last), and that there was no income tax put upon them where their income was under 100*l.* a year. It was true the yeoman would be subject to the succession tax, but in that case he would pay it in common with the entire community. However, let that pass. The subject would come on for discussion in its turn. He would pass on to state

the reasons why, while agreeing with the hon. Gentleman that this was no party question, and that no persons had a stronger claim for consideration than the farmers, he thought that the hon. Member had not succeeded in making out a case on their behalf. In the first place, the Committee must recollect that since the repeal of the corn laws the income tax had been several times renewed. In 1848, prices had already become low, with every prospect of their becoming lower. In 1851, the tax was again renewed, when prices were exceedingly low; but notwithstanding the state of prices at that period, the House of Commons, and he believed the farmers too, accepted, and accepted thankfully, the settlement of the question proposed by his right hon. Friend the Member for Halifax (Sir C. Wood), who, by a clause introduced into the law, put the farmer, with regard to the income tax, in a position more favourable than any other portion of the community. There was no class of the community which now stood on so favourable a footing with respect to the income tax as the farmer. That, he thought, was a strong reason against proceeding at present to any exceptional legislation in his favour. The hon. Member had demanded that he should be placed in the same position as the Scotch and Irish farmer; but if that were done he (the Chancellor of the Exchequer) would venture to say that that concession would be at once made a standing ground for a further appeal to alter the law in favour of the Scotch and Irish farmer. As for the Scotch farmer, his case was irresistible, and was founded partly on acknowledged facts, and partly on reasonable belief. It was founded, in the place, upon the fact that the public burdens in Scotland, which were mostly borne by the tenants in England, were borne principally by the landlord, and constituted a portion of the rent. But the rent, with reference to which the English farmer was assessed, did not include those burdens, and consequently, if they were to put English farmers on a footing with Scotch farmers, some vigilant Scotch representative would of course get up and urge an irresistible claim for a new concession to the farmers of his own country. The case of the Scotch farmer also rested on the belief that he had a smaller share of the profits from the land than the English farmer had. The hon. Member had stated that the fall of rents in England had not corresponded with the fall of prices. If that were so, he (the Chancellor of the Exchequer) should say that the speech of the hon. Gentleman was a lively and useful suggestion to be addressed to the landlords; but if it were true that rents had not fallen enough in England, and if that were a reason why they ought to amend the position of the English farmer, he wanted to know how did matters stand in Scotland? Had rents fallen more in that country? Why, it was notorious that if the fall of rents had been small in England, it had been still less in Scotland. The hon. Gentleman had entered, naturally enough, into a discussion of the general condition of the farmer; but he (the Chancellor of the Exchequer) deprecated any change in the provisions of the income tax founded on that ground, and for the same reason that he should deprecate founding any other legislation based on such grounds. It was the business of the Legislature to proceed on the principle that farming was an occupation which must be allowed to find its level under the influence of competition between man and man. If that were the principle upon which they had to proceed, they had no right to say that the profits of the farmer were smaller than they had been before; and if they looked into the price of commodities at all, they were bound also to examine into the effects produced in the process of farming by the introduction of machinery, and drainage, and many other improvements. But, after all, the main consideration on this subject was one which he had already adverted to, namely, that they had already provided for this case: they had already fixed on a standard for the farmer, which was believed, on the whole, to be equitable; and Parliament had since then taken a material step to improve the footing of the farmer, by allowing him to take his choice whether he would be rated as a farmer, on a fixed proportion of his rent, or as a trader, according to his profits. They had not, indeed, said to him—"Go into Schedule D, if you please," for they had considered that the inquisition into his affairs, in that case necessitated, would not be agreeable to him, but they had given him the means of averting an unfair assessment. He might here remark, that the hon. Gentleman had made a serious error in his calculations of the profits of the farmer. The hon. Member did not regard the maintenance of the farmer's family, the expenses of his living, as any element in his calculations, and, for that matter, the farmers seemed much disposed to take the same view, and to regard the expense of their maintenance as part of the expense of their farming, and as not entering into the question of profits, which was a fallacy not to be admitted. Where, however, the farmer's profits were less than a moiety of his rent, it was not proposed arbitrarily to enforce assessment as upon a moiety; for it would be competent in a farmer who at the end of the year found himself so situated, to go before commissioners—not Government Commissioners, but local commissioners—and, if he could make out his case, to have any excess of assessment allowed him in his payment of the tax. The hon. Gentleman objected to this, that farmers did not keep accounts. There might, no doubt, be many small farmers who did not keep accounts; but he confidently believed that the great bulk of those who would come within the operation of the measure did keep accounts. Most assuredly this was the case, he might almost say, universally with the farmers in the north of England and in Scotland. There was, however, one fact, alone demonstrative that the profits of the farmer were not so small as stated, and this was that in the past year the whole amount of relief from assessment claimed by the tenant-farmers of England and Scotland—upon a total assessment of 330,000*l.*—was between 5,000*l.* and 6,000*l.* only; the whole amount of relief actually granted being 3,419*l.* This fact, he would repeat, demonstratively proved that the farmers, as a body, had no case to show that their profits, including, of course, the cost of the maintenance of their families, did not represent fully one-half of their rent.

Sir FITZROY KELLY said, he rose to join the hon. Member for Berkshire (Mr. Vansittart) in making a last earnest appeal on behalf of the farmers of England, than whom no class of the whole community was more justly entitled to the sympathy of that House, for they were placed in a most disadvantageous position by the present arrangement. When Gentlemen on that side of the House objected one by one to schedule after schedule of this measure on the ground of its injustice, the only argument used in answer to these objections was, that the same objections would equally apply to every schedule. When it was objected to Schedule A that while it professed to impose an income tax of 7*d.* in the pound on land, it in fact imposed a tax of 9*d.* in the pound; to Schedule B that the income tax on farmers was assessed at too high a criterion; to Schedule C and Schedule D because they treated incomes from trades and professions and those derived from the funds, which were limited in their interest, unjustly, and to Schedule E because precarious salaries were placed on the same footing as permanent incomes derived from land; and when it was shown that they were all unequal and unjust, they were met by the singular argument that taking them altogether they acted fairly, that five wrong things made one right one, and that injustice to each class was justice to all. It must be evident to any hon. Gentleman who knew the condition of the British farmer, that taking half the rent was much too high; and, although it might be said that the farmers had the option of transferring themselves from Schedule B to Schedule D, it was only handing them over from one injustice to another, and he might say that it was difficult to tell under which of these schedules they would suffer the greatest amount of injustice. What was the criterion for the assessment of the farmer which was defended by the Government? It was assumed to be fair in the taxation of the farmer to take half his rent as the criterion on which to charge him with income tax. In former times, during the war and when prices were high, three-quarters of the farmer's rent was taken as the criterion on which he was to pay his income tax. In 1842 Sir Robert Peel reduced the criterion to one-half of his rent; and that was during the existence of the corn laws, and when the cultivators of land enjoyed protection. But the Government, which proposed in 1853 to impose the income tax for seven years, proceeded on the same criterion of assessment as that of 1842, when the circumstances of the farmer were rendered so different by the withdrawal of protection. That question of protection was now for ever set at rest; but still he wished to draw attention to the change in the condition of the farmers since 1846. Some misapprehension appeared to exist with regard to his (Sir F. Kelly's) feelings on that subject. It was supposed that he had denounced the financial measures of Sir Robert Peel, and the commercial reforms he effected between 1842 and 1846. He would, however, venture to say with confidence, that never in or out of that House had he used one word with regard to those measures but that of approbation. He had supported those measures, and believed they had conferred great benefits on the community, and that the Minister who had proposed them was entitled to the eternal gratitude of the country. But he could not, and would not, say the same thing of the repeal of the corn laws in 1846. It was true he had supported that measure, yielding as he did his own doubts to the high and commanding authority of the Minister under whom he served as an officer of the Crown; but he could say with sincerity that he had ever since incessantly lamented the votes he had then given. Although he did not deny that the repeal of the corn laws was the crowning measure of previous financial and commercial reforms, yet he maintained that by passing it without any countervailing measure in favour of the cultivators of the land, great injustice and injury had been done to them. He should not have alluded to this subject, but for its direct bearing on this part of the question which was now under consideration. Would any hon. Gentleman deny that if half the rent paid by the farmers as the criterion of assessment which was fixed in 1842, when the corn laws existed, and corn was at 63*s.*; now that the corn laws were repealed, and corn was at 40*s.*, could any one say that half the rent paid was a fair criterion, or that more than one-third would now be considered as fair? If he was inclined to quote speeches, or taunt hon. Members, he could cite the language of every Member of the present Government as late as 1843 and 1844 expressive of their opinion, that the burdens on land justified the protection of the corn laws. That was the language of the noble Lord the Member for the City of London in 1844, and of the right hon. Gentleman the Chancellor of the Exchequer, then a Member of Sir Robert Peel's Government, in opposition to the annual Motion of the right hon. Member for Wolverhampton (Mr. C. Villiers)—all of them agreeing in the doctrine which was laid down by the ablest political economists, that it was neither contrary to principle or sound policy to afford protection to that particular class who were interested in the cultivation of the soil, so long as they were borne down by those unequal burdens. He (Sir F. Kelly) would ask—was there any one single burden to which the occupiers of land were then liable, to which they were not liable now? If that was so, the farmers were entitled to some protection on account of the burdens they had to bear. They had a right to ask, that if you would not reconsider the burdens to which they were subject, as the income tax was about to be prolonged for seven years, at least that you would consider whether the principle on which they were assessed was just or not? Let him for a moment call attention to the local burdens which pressed severely on farmers. Besides being liable to all taxes on articles of consumption, assessed taxes, and all other taxes, it was to be found that in 1844 the county rates were 1,237,118*l.*; the highway rates, 1,169,891*l.*; the church rates, 481,662*l.*; making a total of 2,888,671*l.* All that large sum pressed specially and exclusively on the class of persons whose interests he was now advocating. Besides this, there was the land tax, nearly all of which was borne by the farmers, amounting to 1,447,792*l.*, which would make a total of 4,336,463*l.*—while the county rates had risen from 1,237,118*l.* in 1844, to 1,355,644*l.* The case of the farmers, which he wished to put before the House, was, first, that by the loss of protection by the repeal of the corn laws, or, not to use an invidious term, he should rather say by the loss of the means of carrying on more profitably their occupations, they were placed at a disadvantage of thirty or forty per cent now as compared with their position in 1842, when the criterion of assessment was fixed at half their rent. There were other considerations also which ought not to be lost sight of. He knew of a case in his own county in which, last year, a farmer whose profits were about 300*l.* or 400*l.* a year, lost by a blight a sum of 1,000*l.* or 1,200*l.*, and no allowance was made for that loss. It would be said that the same argument applied to tradesmen who might lose by bad debts in particular years; but it was no reason because one class suffered from injustice that it should not be corrected with regard to another. He protested as much against Schedule D as against Schedule B. It was said that an alternative was given to the farmer, and that if he pleased he might be assessed under Schedule D. It appeared to him that the boon was not worth acceptance, and was in most cases not capable of being accepted. The hon. Member for Berkshire had given the true solution of the matter: the farmers did not keep their accounts in such a manner as to enable them to avail themselves of the alternative. It appeared to him that the case of the farmer stood upon the plain and indisputable principles of justice and fair play. Their incomes were now assessed at one-half the amount of the rent, and that was obviously, even from the admission of hon. Members opposite, an overrated and enormous estimate. Let them only contrast for a moment the difference between the condition of the farmer before and after the framing of the corn laws; and if they did that, they must admit that they are at present suffering under a grievous and almost intolerable injustice. They had to encounter bad and good seasons—they applied all their capital and skill to the soil, and at the end of the year they find their capital diminishing, year after year, being unable, with all their industry and all their efforts, fairly and comfortably to support their families as they had been accustomed to do; and they thought they were justly entitled to appeal to Parliament, and to ask it in its justice to give them this small measure of relief. If that was not guaranteed, he should take every opportunity permitted by the forms of the House to urge again and again their claims on the justice of Parliament for relief, and for some mitigation of the evils under which they suffered. He should hereafter move that an exemption should be made under this schedule by means of a graduated scale of the tax on all incomes under 200*l.* a year, and all under 400*l.* a year, not only with regard to this, but other classes who were unequally dealt with in Schedules B. and D.

Mr. BRIGHT said, he thought that the hon. and learned Gentleman who had just sat down had been speaking from what he should call "a Suffolk brief." He had been badly advised, for the facts were not precisely as he had represented them to the Committee. Now, first of all, with regard to the string of local taxes which he said the farmer had to pay, it must be within his recollection that the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), when he sat upon the Treasury bench, disposed of all those taxes in one of his able speeches in a very summary manner, and satisfied the House that all the arguments on which he had formerly based his Motions for the redress of the grievances of this class were utterly fallacious; and, in fact, that this category of peculiar burdens was to be included among the obsolete matters henceforth not to be referred to again in that House. But, even supposing that this had not been so, certainly the hon. and learned Gentleman had sought to take advantage of the credulity of the Committee by asserting—because he must have known by the returns on the table that more than one-half of the local taxes to which he had alluded was paid by property that was not land, and that was in no way whatever connected with the agricultural interest—he must have known, also, that the proportion that was paid by land had been greatly reduced since 1842, and that, in point of fact, from year to year the amount of this local taxation borne by the agricultural interest was steadily diminishing, while the proportion borne by property other than agricultural was constantly increasing. The hon. and learned Gentleman's acuteness must have shown him that fact—

Sir FITZROY KELLY said that, if he was wrong, he should be happy to be corrected; but the figures he had given showed the proportion charged upon land.

Mr. BRIGHT: That might be, but if other property was equally charged for these taxes, where was the special case for demanding relief for the land? Therefore that argument entirely failed. But what was the proposition of the hon. Member for Berkshire (Mr. Vansittart)? Why, in a simple form it appeared to be this, that farmers who paid 300*l.* a year rent, and paid on 150*l.* to the income tax, should hereafter pay only on 100*l.*; and that whilst the income tax was about to be made to descend to incomes of 100*l.* derived from trades and professions, and made to include the artisan who earned his 2*l.* a week, all farmers paying a rent of between 200*l.* and 300*l.* a year should be altogether exempt from the tax. That, he thought, was the most extraordinary proposition that he had ever heard, even from the other side of the House. What was the position of a farmer with a rent of 300*l.* a year? He supposed he would rent 250 acres, at 24*s.* an acre. Now, would the hon. Gentleman have the conscience to ask a mechanic who earned 2*l.* a week to pay the income tax, and exempt a tenant-farmer who rented 250 acres of land? On such a farm he ought at least to have a capital of 1,600*l.*; and would hon. Gentlemen opposite attempt to persuade the Committee that capital employed in agriculture yielded no returns whatever? He thought the farmer would at least have a return of 5 per cent, which, on 1,600*l.*, would be 80*l.* a year; then there would be the return for his own labour, and the profit that he would make above the actual interest on his capital. Look at the style in which farmers renting from 250 to 500 acres of land lived. They had good homes—many of them kept their carriages, not always with one horse, and some of them, having a weakness for hunters, were accustomed to follow the hounds. He was acquainted with some tenants on farms of this nature, and he knew the comfort, the abundance, the what was called "gentility" in which they lived to be far beyond that of persons engaged in trade, who paid a great deal more of income tax. The hon. Gentleman (Mr. Vansittart) put the case of such a farmer on the same footing with a clerk at 100*l.* a year, or a mechanic of a superior class earning 2*l.* per week. It was an insult to the ability and the good sense of the hon. and learned Gentleman (Sir F. Kelly) to suppose that he had persuaded himself this was a just proposition. The hon. and learned Gentleman had drawn one of those pictures of the farmer which they were accustomed to some years ago, but which, he thought, had been obliterated for ever. They really ought to put a stop to such speeches. The hon. and learned Gentleman argued as if the farmers were not in a condition to pay their taxes now, as it used to be said of them a few years ago. In his opinion, the case was now entirely reversed. Formerly a farmer was supposed to have no capital; but now he had, or at least he ought to have, a large capital, and he had no doubt that his returns were on an average much greater now than in any former years, with the exception perhaps of the prices during the war. The hon. and learned Gentleman (Sir F. Kelly) said that Schedule D was no advantage to the farmers, and that very few of them had recourse to it. He (Mr. Bright) admitted that it was no relief to them, for the fact was that the maximum rate at which they were charged was far below the average rate of their profits, and they would be silly indeed if they had accepted the offer, and subjected themselves to the same inquisitorial process as persons in trade were subjected to. He knew that if a system could be devised—though he was afraid it could not—by which persons in trade could be charged upon a steady, settled, maximum rate, and be freed from all the harassing inquiries which so often took place before the commissioners, they would gladly and unanimously accept of it. Still, he thought that when the right hon. Gentlemen the Member for Halifax (Sir C. Wood) agreed to this change, he was guilty of an unfair proceeding towards the revenue. But with respect to farming, he was of opinion that there was no trade in the country at the present moment which yielded more satisfactory returns than it. He met a gentleman in the lobby that evening, an eminent carpet dealer from Westmoreland. He asked him the condition of the wool trade; and he said that the prices were extravagantly high, and that the farmers were selling fleeces now at nearly double the prices which they obtained only a short time ago. In fact, the farming trade was more prosperous now than it had ever before been known in the memory of man, and he could not, therefore, understand why they now kept up the old cry of distress. The political capital which they used to make out of it, was now entirely gone, never more to return; and he thought it would be much better if hon. Gentlemen opposite, who were mostly great landed proprietors, were now to disabuse the minds of their constituents, and show them that they could now have no hope of a remission of taxation except on such terms as equally affected the whole country. He was certain that everybody who read the speech of the hon. and learned Gentleman to-morrow would feel that he had now taken in hand the worst case which it ever was his fortune to defend, either before a Committee of that House, or before a jury of his country. As for the hon. Member for Berkshire (Mr. Vansittart), he was a young Member of that House, and he was probably better acquainted with the conversation of the farmers in the country than with the tone and temper of the House; or he thought the hon. Member would never have brought forward this Motion, which was, in his opinion, the most imprudent one he had ever heard propounded to the House of Commons.

Sir FITZROY KELLY said, if the hon. Member would make a Motion exempting mechanics, artisans, and small tradesmen from the income tax to the extent of one-sixth of their income, he would give him his cordial support.

Mr. BANKES said, if the hon. Member for Manchester (Mr. Bright) had attended to the speech either of the hon. and learned Member for East Suffolk (Sir F. Kelly), or of the hon. Member for Berkshire (Mr. Vansittart), he was sure he would have at least attempted to answer them, which at present he had not done. Their arguments rested upon this, that there was no reason why the English farmer should be called upon to pay more than the farmers in Scotland and Ireland. He (Mr. Bankes) listened with the utmost attention to the speech of the Chancellor of the Exchequer, but he could not perceive on what ground he continued a higher rate on the English than he did on the Scotch and Irish farmer. He knew cases of great distress in his own county, which he was sure could not be equalled either in Ireland or in Scotland, and it seemed hard that the farmer should be called upon to pay simply because he was an Englishman. But to all this the hon. Member for Manchester had not paid the slightest attention. He said that in his opinion farming was now the best trade going. Well, he was not there to deny that; but it was to be remembered that they were going to vote this charge upon the tenant-farmers for seven years to come; and how did the hon. Member know that that prosperity would continue all through the seven years? Of course, then, it became the duty of those who represented their interests to look carefully to the manner in which the tax was reimposed. The present appeared only a fair and just proposition. The farmers had been deprived of protection and promised a compensation, no trace of which had they at present perceived. Their claim, therefore, was one founded on simple justice, and it was impossible to refuse it them with any regard to what was fair and equitable.

Mr. WHALLEY said, he took that opportunity of entering his most solemn protest against the reimposition of the income tax, though he approved generally of the Budget. The income tax was not on the pockets but on the morality of the middle classes; it touched the very life-blood of their principle and honour, and though the tax had existed according to law since the establishment of the poor-law, it had never been carried out in the various parishes in assessing property for the poor, on account of its mischievous effects. He must say, the mere fact of giving the farmers a fixed amount, to be ascertained by a certain standard, was an inestimable boon, and did much to place them in an advantageous position. He should oppose the Motion of the hon. Member for Berkshire.

Mr. AGLIONBY said, though he intended to oppose the Motion of the hon. Gentleman opposite (Mr. Vansittart), he would not go into any details on the question, but he felt bound to protest against the exaggerated and highly-coloured statement of the hon. Member for Manchester (Mr. Bright) about the condition of the tenant-farmers. [Mr. BRIGHT: It is admitted on the other side.] He did not care who admitted it. He would not place his judgment under any man's belt, not even under that of the hon. Member for Manchester. He had long lived in the country, and he knew the north of England well. Had he not known that the hon. Member for Manchester had travelled through a great part of England, he should have thought he had never known anything of an acre of land in his life; the hon. and learned Member for East Suffolk (Sir F. Kelly) probably knew as little. He (Mr. Aglionby) did not represent a county constituency, but he thought that was not necessary to make a man know something of land; and he thought, if such statements as that of the hon. Member for Manchester were allowed to pass *sub silentio*, they would give just ground of complaint to a very large and important class of the people of this country. He (Mr. Aglionby) still thought the repeal of the corn laws was a wise and beneficent measure. He hoped the farming interest would be yet more prosperous, but he maintained that, so far from the farmer having hitherto had a fair return for his labour, he believed he had not even received any advance either for his labour or his capital. He knew that in the north of England that had been very generally so, and that both the rent and the maintenance of the family had been paid out of the capital. The hon. Member for Manchester had talked of farmers keeping their hunters; he (Mr. Aglionby) knew of no farmers living in that style, save the exceptions to the general class. The hon. Member for Manchester talked of the capital the farmer had— [Mr. BRIGHT: Ought to have.] "Ought to have." Unfortunately, people have not always what they ought to have, nor do what they ought to do; but there was one great drawback the farmer in the north of England had to contend with—there was no valuation. Would any Gentleman connected with the land, and who knew the common class of tenants, tell him that there was more than one in forty or fifty who could go before the commissioners with any chance of getting an exemption—not because the commissioners were unwilling to do justice, but because the farmer had not the means of convincing him, as he kept no books.

MR. KENDALL said, he was sure the hon. Member for Manchester (Mr. Bright) could never have travelled through the district which he had the honour to represent (Cornwall), or he would not have made the statement he had done. It was true the price of wool had risen of late, but the farmer had been obliged to sell his fleeces before the rise took place. It was true, also, mutton had risen; but they had been constrained years ago to reduce the amount of stock on their farms. It was not the fact that they were in a state of prosperity: all that could be said for them was, that they were now in a state of existence. And now another difficulty had come upon the farmers, for the price of labour had risen by one-third what it was a few years ago. He thought it due to the farmers to make these observations; but at the same time he must say he regretted the present Motion was brought forward, though, if it were pressed to a division, he would vote for it.

MR. HUME said, that he could not agree with the hon. Member for Cockermouth (Mr. Aglionby), or the hon. Member who had just sat down, in thinking that any man was entitled to begin farming or any other business without capital. He believed that the statement of the Members for Manchester and Cockermouth were quite reconcilable, and that while, according to the former hon. Gentleman, farmers who had adequate capital were now doing well, those, on the contrary, who had not were suffering. He thought that the assessment of the farmers to the income tax proceeded upon an unsound principle; that they ought to be assessed upon their exact profits—neither more nor less—and not upon any assumed proportion of their rent, which must necessarily be too much in some cases, and too little in others. It had, however, been always contended that it was in vain to expect from farmers a satisfactory account of their profits, because they did not keep sufficient accounts, and that therefore it was, upon the whole, better to fix a certain sum. He believed that this was yielding to a bad principle—no one should be tolerated in business who did not keep accounts. It was the only way in which a trader, which a farmer was, could be made to keep right. He had no doubt that the sufferings of farmers who had not capital had during the last three years been very great, nay, that in the cases of small farmers their losses almost amounted to confiscation. But the fact was that they had undertaken more than they could do, and had suffered the consequences which would attend such a course, whether in farming or any other branch of business. He believed that a capital of 10*l.* per acre was requisite to carry on farming operations to the best advantage. With the change that had taken place, and was still taking place, farmers would be compelled to keep accounts, and when they did so they should, as regarded their assessment to the income tax, be placed in the same position as other traders. In the mean time the present system might be allowed to continue as a compromise. In that case, however, he could not assent to the Motion of the hon. Member opposite (Mr. Vansittart), as he thought that an assessment of one-third ot the rent would be quite insufficient.

Mr. MALINS said, there was one point which the hon. Member for Cockermouth (Mr. Aglionby) had made clear to his mind, and, as he thought, clear also to the mind of the House, and that was that the hon. Member was a Protectionist, and that as a Protectionist he ought to have voted with hon. Members on that (the Opposition) side of the House. It was another of the proofs they received how frequently men's better judgment and experience were influenced by party considerations; for the hon. Member depicted in glowing colours the great distress which the agricultural interest had suffered for many years past, and was still suffering, and yet he would take the present and every other opportunity of voting against that interest. And then came the hon. Member for Montrose (Mr. Hume) with one of those disquisitions which he gave the House so frequently on political economy, and laid down the principle that no man ought to hold a farm who could not put down 10*l.* for every acre of land he hired. The hon. Gentleman was a friend of the people, and yet he would exclude from the opportunity of making his way in the world every man whose father had not made it for him beforehand. That might be political economy, but it was subversive of every principle upon which the greatness of this country was founded. Every man who had perseverance and ability might begin with small means and make them large; but the hon. Gentleman denied that. [*Cries of* "No, no!"] How many men in this country, agriculturists, merchants, and manufacturers, had begun the world without a farthing, and yet, by their perseverance, industry, talents, and character, had made great means. If he were a landowner, he would say, let him have skilful, industrious, honest, and straightforward men, and he would put them in possession of his land, and they would gradually make capital; and never would he hear it said that a man should not begin without capital without protesting against it as a principle subversive of the best interests of the country. But the hon. Member for Montrose had admitted what Gentlemen on that side of the House had always contended—that the repeal of the corn laws had led to the confiscation of the small landowners. He was one of the much-despised class—the Protectionists—and would admit that that question was now settled; but that had been entirely in consequence of a combination of circumstances which could not have been foreseen—the discovery of gold in Australia being one of the most important. The House would recollect that in 1847 the noble Lord (Lord J. Russell) then at the head of the Government, and the right hon. Gentleman (Sir C. Wood) the then Chancellor of the Exchequer, wrote a letter to the Bank of England authorising them to issue notes in excess of the law beyond the limits allowed by Sir Robert Peel's Bank Charter; but now they had a different state of things, and instead of there being only 900,000*l.* of notes unemployed in the Bank, there were 9,000,000*l.* The financial difficulties of that time had ceased, and the agriculturists had struggled through their difficulties; but, without desiring to keep up that worn-out subject, representing as he did an agricultural borough and district, he had taken great pains to ascertain whether the representations of agricultural distress were real or fancied, and he had perfectly satisfied his own mind that the representations made to the Government presided over by the noble Lord, when Her Majesty was advised to address Parliament, and point out that great distress existed in the agricultural interest, were not in the imagination of the noble Lord, but were real. With respect to the particular measure proposed by his hon. Friend the Member for Berkhire (Mr. Vansittart), he agreed with the hon. Member for East Cornwall (Mr. Kendall), and did not attach much importance to it, on account of the smallness of the relief it afforded; but, as a matter of principle, he thought it was just, and he should therefore vote for it. To a farmer paying 300*l.* a year, it would not give greater relief than 1*l.* 9*s.* 4*d.* a year; to one paying 400*l.*, 1*l.* 19*s.* 2*d.*; and to one paying 600*l.*, 2*l.* 6*s.* 2*d.* He believed, therefore, that if the question were put to the farmers, they would say they did not care one farthing about it, and would not ask the Legislature to make the alteration proposed; but he believed it to be just in principle, and therefore, if his hon. Friend pressed his Motion to a division, he should vote with him.

Sir JOHN SHELLEY said, from what had fallen from the hon. and learned Gentleman (Mr. Malins), he seemed to be the schoolmaster of the agriculturists and landowners, to teach them their business; but he could only say, after hearing his opinion about capital employed in farming, he should be very sorry to be his client. What he had understood his hon. Friend the Member for Montrose (Mr. Hume) to say was, that which every landowner knew very well—that the great distress among the agriculturists had arisen from persons taking farms without considering what amount of capital they had to cultivate them with. Formerly 10*l.* an acre was supposed to be the requisite amount; but now, from the benefits of free trade, not more than 7*l.* or 8*l.* was required. That, too, was a circumstance which went in favour of hon. Gentlemen opposite, the landowners; for as farming was brought within the reach of smaller capital, the competition for farms increased in the market. But as to farming itself, notwithstanding the doleful accounts which had been given of it, he did not know any more profitable business than it at this moment, and he understood the hon. Member for Manchester (Mr. Bright) to have said as much. With the exception of wheat, there was not one article which was not paying the farmer better than it had ever done. The price of wool was most satisfactory; although, if he understood the hon. Member for East Cornwall, he said that the farmers of his neighbourhood had no wool, no stock, and no capital; all they had was poverty and distress.

Mr. KENDALL said, he must explain that he had said they were so hardly pressed for the last two years, that the moment they had any wool they sold it, being unable to wait until they could get a high price for it; they were obliged to sell stock to meet their rents.

Sir JOHN SHELLEY: It did appear, then, that the landowners got their rents. It was rather a quiet proceeding on the part of the landowners to ask them to put their hand into the public purse in order to make these rents last a little longer. He believed that in all these cases there was growing up a feeling among the tenant-farmers, which would tend ultimately to the benefit of all. They were looking to the question of what capital was required before they took a farm, instead of that absurd competition which took place at one time for farms, when a man who was doing tolerably well with a farm of 300 or 400 or 500 acres was anxious to rise in the scale of farmers, and, without looking to the capital required to carry on his business, went and borrowed a certain amount of capital to enable him to take a larger farm. But there was another thing they were looking too, and that was, tenant-right; and if landowners would let their farms at an honest profit, they need not be afraid about finding men with capital enough to carry on their business. As to the Motion before the House, he thought that, having agreed to the income tax when agriculture was not so prosperous as it was at present, hon. Gentleman opposite had brought it forward at the wrong moment, and he should therefore vote against it.

Mr. BANKS STANHOPE said, after what had fallen from the hon. Member who last addressed the Committee, about the profitable returns of farming, he had no hesitation in saying that, in Lincolnshire, where farming was quite as high as in the county where the hon. Member farmed, taking the last three or four years, the farmer had not only been making no profit, but actually had been living upon capital. As to the boasted advantages of free trade, he was prepared to admit that there had been a change; but if he considered in what way that change operated on those who held those farms at the time, he would find that they had reaped but a very doubtful advantage. If hon. Gentlemen imagined that farming was conducted during the last few years at a cheaper rate, he must explain to them that it only arose from the fact that implements and machinery were much cheaper than what they previously had been. At the same time, however, it should be remembered that that was an advantage which operated entirely in favour of incoming tenants. Now, he wished to put it to the Committee that night, ought they to make the arbitrary assessment of the farmer at one-half of his rent; or whether the injustice of that arbitrary assessment was in any way diminished by placing the tenant-farmer in another schedule, and giving him the power of appeal? The fact was, the whole difficulty of the question lay here, that there was a total absence of accounts in the farming districts. He would, however, in order to illustrate the fairness of the proposal now before the Committee, give them the result of his inquiries among the farmers. And, first, he would take the case of a large farm, say of 600 acres—allowing the rent to be 30*s.* per acre—which would make up a sum of 900*l.* a year. On the other hand, the farmer's capital, at 8*l.* per acre, would be represented by a sum of 4,800*l.*; on which, allowing 6 per cent, would make the interest amount to a sum of 288*l.* a year. But if you assess that man to the income tax, you assess him at half his rent; and therefore you assess him at 450*l.* a year instead of at 288*l.* a year. Again, to take the case of a smaller farmer, one holding 400 acres of land, his rent he would take but at 25*s.* per acre, for it was generally found that the larger the farm the greater the rent per acre. Well, the capital of this man he could only assume to be 7*l.* per acre, which would represent a sum of 2,800*l.* And, again, taking the rate of interest to be 6 per cent, his profits should be assessed at but 168*l.*, whereas, under the proposal of the Government, his profits would be assessed at 250*l.* a year. If, as had been said, the farmers put the expense of their living down as part of the expense of their farm, he was sure that their returns could not be estimated at more than five, or even four per cent; at the same time, he admitted it was impossible to calculate what was the cost of a farmer's living with the same strictness that was possible in the case of a person living in Manchester. A great deal had been said about the boon which was conferred upon the farming classes by the right hon. Baronet the Member for Halifax (Sir C. Wood) in 1851, by giving them a right of appeal. On the other hand, much had been said about the farmers being totally exempted from the vexatious and inquisitorial process which made their affairs known to the world. Now, he thought there was much inconsistency about these two positions, for if by assessing the farmer's profits at half his rent, an appeal was rendered necessary, he would have to make a complete disclosure of all his affairs before the assessor, and before the country at large. And if the man happened to have any outstanding engagements, it would be anything but convenient to make such a statement, or to publish to his landlord he was not doing well by his farm. And, again, the Committee must be aware that the difficulty and expense attendant on making the appeals were such as almost to deter farmers from making them at all. It was only the other day that a farmer had told him that, in order to make his appeal, he had to travel two or three times over twenty miles, and that when at last his case came to be heard, the assessor, amongst other things, asked how many quarts of milk and glasses of ale he drank; whereupon he turned round and told the assessor he might as well ask him how many bees he had in his garden, in order to ascertain what quantity of honey he made in the year. He did not wish to make an appeal to the Committee *ad misericordiam*, he wanted them merely to examine whether the facts of the case warranted their assessing the farmers at half their rent; at any rate, he wished them to place the farmer in the same position as the rest of the community, by assuming his income on an average of years.

Question put, "That the words 'third part' be there inserted."

The Committee *divided*:—Ayes 60; Noes 120: Majority 60.

Original Question put, and *agreed to.*

THE BUDGET—WAYS AND MEANS—SUCCESSION DUTIES.

Mr. DISRAELI said, that an hon. Member behind him (Mr. Freshfield) had given notice of an Amendment upon that part of the Resolution at which the Chairman had just arrived; and he (Mr. Disraeli) wished to know whether the Chancellor of the Exchequer intended to make any general statement on the subject, because, if so, it might be advisable that the Committee should hear him before they proceeded to consider that Amendment.

The CHANCELLOR OF THE EXCHEQUER: I entirely concur in the opinion of the right hon. Gentleman. Considering the great importance of this question—considering that I have only had an opportunity of adverting to it on one single occasion, and then necessarily in conjunction with a great number of other very important subjects, I have not been able to say what was perhaps requisite to place the proposition of Her Majesty's Government clearly and fairly before the House or the Committee. I am obliged to the right hon. Gentleman for his suggestion, and I purposed to have risen when the Resolution had been read, to state generally the nature of our proposition. I wish, then, in the first place, to call the attention of the Committee to the limitation of the proposition as it stands before us. There are a great number—at least there are a considerable number—of points of great importance and very serious difficulty which we have to examine when we come to the details of the question; but most of those points I am anxious at present to leave in some degree out of view; because, in the first place, it is hardly possible to consider them until the Committee shall have under its view the precise form in which the proposition of Her Majesty's Government will be ultimately clothed; and because, in the second place, the general principles involved in the proposition are in themselves so exceedingly important as to deserve the exclusive and undivided attention of the Committee. It is most necessary that we should, in the first instance, fix our undivided and closest attention on the principle of the measure, and give a vote on the measure, in the first instance, which will strictly be a vote on the principle, before we come to consider the great multitude of minor and subordinate questions which we shall have to examine and dispose of as we go through the details. The proposition of Her Majesty's Government, as it stands before the Committee, is—"That towards raising the supply granted to Her Majesty, the stamp duties payable by law upon or for or in respect of legacies, shall be granted and made payable upon and for every succession to the beneficial enjoyment of any real or personal estate, or to the receipt of any portion or additional portion of the income or profits thereof that may take place upon or in consequence of the death of any person, under whatever title, whether existing or future, such succession may be derived." Now, Sir, the vote of the Committee is asked on the present occasion to the affirmation of the general proposition that some tax or other—(I do not now say an equal or unequal tax—that is to say, I do not ask you to pledge yourselves by vote to an equal or unequal tax)—but that some tax or other should be fixed or laid on all successions to property that take place in consequence of death. And that condition—the accruing of a tax in consequence of a succession that ensues upon a death—is the pivot of the whole measure. Of course, the importance of the bearings of this measure is to be considered with reference to two great classes of property, which have hitherto been exclusively, or, in the main, exempt from all charge upon death or upon succession; firstly, real property, whether settled or unsettled; and, secondly, settled property, whether personal or real. The first thing we have to consider is, what are the reasons that determine Her Majesty's Government, and which they hope will determine the Committee, to resort to this source for the replenishment of the revenues of the country. The right hon. Gentleman opposite, the Member for Buckinghamshire, said, a few nights ago, that we found a justification for this measure upon—if I understood him correctly—a certain character and effect which I had assigned to it when addressing the House on a former night, namely, this character and effect, that the laying of this tax upon successions to property will do that which a great desire has been expressed, in this House and elsewhere, to effect—that is to say, it will countervail the operation of the income tax so far as that operation is too severe in its bearing upon intelligence and skill, and too lenient in its bearing upon property as compared with intelligence and skill. And the right hon. Gentleman further observed, that that being the purpose of the tax, it was obvious that the tax so considered, ought to terminate—or, at least, in the view and mind of the Government, ought to be intended to terminate—in the year 1860. Now, I certainly could not, with any great confidence, submit this proposition to the Committee, if the tax were intended to terminate in 1860, inasmuch as we shall not receive full legacy duty under the proposal in respect of any one portion of real property in England until the year 1858; and, therefore, if it were to terminate in 1860, it would be a very short duration for the tax, and would make it a tax for one very small fraction of the community alone; but, in point of fact, the right hon. Gentleman was mistaken in the construction which he put upon my words. I did state that the burden which the income tax casts upon property is unequal, as compared with the burden which it puts upon intelligence and skill. I did not contest the opinion commonly entertained, that intelligence and skill were too hardly pressed upon, as compared with property—I pointed out that this measure would rectify that inequality—and I stated further, that I believed that this measure will rectify it, to whatever extent you may call it into existence, without raising any dangerous questions or unsettling your fiscal system, or causing it to be liable to repeated and successive disturbance; but I am far from saying that the rectification of the inequality in the income tax was the only reason on which the justification for this measure was to be based; on the contrary, it appears to me that there are many other such reasons. In the first place, it appears to me plain that the measure is essential for the improvement of the condition of the fiscal system of the country, in so far as in it lie the means which will place a future Parliament in the position, at a given period, to part with the income tax if they shall think fit. That is a principal object that we propose to ourselves to effect, and by it we justify the proposal for continuing the income tax for seven years; while we propose it for a term so considerable, we shall have prepared the ground and shall have prepared that train of causes that will supply Parliament with the means of dispensing with the income tax, if they think fit, at the expiration of that time. Here, then, is another material reason for imposing that tax upon successions, and without that tax upon successions it would be impossible that we could hold out any other expectation of the termination of the income tax than that sort of vague expectation which the country from experience has learned to appreciate at its true value. Another reason for which we propose this tax is to provide a fund by means of which, during that interval of seven years, we may carry into effect great and extended measures for the remission of indirect taxation. This is an important and essential purpose of the measure; but I do not hesitate to say, that, beyond and independent of all this, there is a purpose yet more prominent, namely, the removal of an anomaly which is unjust in its nature—which is galling to the public feeling—which becomes more and more galling from year to year—which we believe it to be for the interest of all classes to settle at once and permanently, being convinced that the longer you postpone that settlement the more difficult it will be to achieve when the time shall come, and the worse must then be the terms on which it can be effected. With this feeling, and with the feeling that the present state of the law cannot be made good in point of justice, I say we have a purpose in this proposal quite irrespective of all the collateral ends, important as they are, which we hope to secure by making the proposal at the present moment. Now, Sir, the first question I wish to press upon the dispassionate consideration of the Committee is, can we maintain the present law as it is? In my opinion it is totally impossible. I do not mean to say it is impossible to maintain it for this Session or for the next; I mean this—that it is impossible to look upon that portion of our fiscal system with any satisfaction—that the public sentiment of the country is decidedly adverse to its continuance in its present state—and that at some day, which I will venture to say is not a distant day, it must and will inevitably be changed. You cannot maintain it, and why? Not because there is a clamour against it— [Colonel SIBTHORP: Oh!] I am sorry to scandalise the hon. and gallant Colonel, but I should hope that when we look to the rights of the question, and not to the mere popular opinion concerning it, we shall have some small degree of his approval. [Colonel SIBTHORP: No, Sir; never!] Well, then, Sir, I greatly regret that those principles, which in themselves ought to command his cordial assent, should be so poisoned in his estimation by the mere fact of their finding utterance from my mouth. Irrespective of the approval of the hon. and gallant Gentleman, I shall state the reason why, in my view, it is perfectly impossible to defend the continuance of the present law. In the first place—and I state first the reason which I consider to be the weakest—I shall state the reason why I do not think it is possible to defend the continuance of the present law, even as respects real property. I think, when we look back to the period of Mr. Pitt—when we reflect upon the proposal that was made by him nearly sixty years ago, and consider all that has since passed—we must feel, that, even as regards real property, its present exemption occupies but a weak and insecure position, according to the views, sentiments, and tendencies of the present day. I now speak of the exemption as a total exemption. I do not say there are not circumstances in the condition of real property that ought to be considered when you examine the question in what precise manner you shall deal with it under a measure you may be about to adopt; but to say that there shall be a total exemption of real property from a tax which is made applicable to personal property, and that at a high and heavy rate is, in my view, neither an arrangement altogether justifiable, nor an arrangement that is safe, wise, or expedient with reference to the permanence of our institutions. It is, in my opinion, an exemption that is far more invidious than it is valuable, and, being far more invidious than it is valuable, I wish to get rid of that invidious and odious character that attaches to it—and to come, if we can, to a just and fair arrangement as regards the claims of real property in respect to this impost, and to a settlement of its claims on a fair and equitable principle. But if the exemption of real property is difficult to defend, how much more difficult is it to defend—in my view at least—the exemption of settled personal property. What in the wide world can be said in favour of exempting settled personal property from legacy duty? I am not aware of an argument, or of a shred of argument, that can be brought forward in defence of that exemption. With respect to the exemption of real property, it is at any rate a *bonâ fide* exemption. Settlements of real property are not made, and do not extend themselves, for the purpose of procuring those exemptions, for real property is exempt, whether it is settled or not. It is not so much affected by the state of the law, and there are not as regards it the some inducements to escape the law as exist with respect to personal property; but with respect to personal property we know that the astuteness of lawyers and the vigilant care for personal interests continually are at work to defeat and escape the operation of the law—to invent new modes of escaping the legacy duty—and this with such extraordinary success that although there has been an immense increase in the personal property of the country, such increase is scarcely traceable in the tables of your legacy duty: and we know this that arrangements are made for that end which may be called all but fraudulent—arrangements which are perfectly senseless, having no meaning and no justification in themselves, and no rational purpose to which they can be referred, except that of evading the law. Now, Sir, some may think that there is a countervailing consideration in the fact that settlements are made on stamps; but I apprehend that that is really no answer at all. In the first place, it is no answer, because the stamps on many of these settlements are so small in amount, that they are scarcely to be taken into account. That is one consideration; but there is another. Suppose I take the settlement stamp as it now stands, at 5*s.* per cent. For that sum you get a document that ascertains the existence of your property after your death, and determines its course, thereby standing in lieu of a will, or letters of administration. And is not that privilege enough, independently of avoiding the legacy duty? And is there not another duty, called the probate duty? Why, Sir, the probate duty itself, quite irrespective of the legacy duty, amounts to 2, 3, 3½, or, taking extreme cases, 4 per cent. There is that percentage on probate duty alone, and the same property which exclusively pays probate duty is likewise exclusively liable to pay legacy duty. Is it not then enough that in virtue of a 5*s.* per cent stamp upon a settlement, a man should escape probate duty, without going on to maintain, what is perfectly monstrous, that in consequence of the stamp on settlements no legacy duty should be paid by property which has been settled? I think that they have a very good bargain, even after making a liberal allowance for the circumstance that this settlement stamp is paid during life, and therefore by anticipation—who are able, by a stamp of 5*s.* per cent, to escape a stamp of 2*l.*, 3*l.*, or 4*l.* per cent. I apprehend also that according to the doctrine of the law, the stamp upon the settlement is the proper correlative of the stamp upon probates. The probate is strictly a stamp duty to ascertain and validate a document; the settlement duty is also strictly a stamp duty, and has precisely the same effect:—but besides that legitimate effect of settlements they have been applied to an illegitimate purpose, and all sorts of forms of settlements have been invented and used with the object of escaping the legacy duty. Besides, what can be more monstrous than this exemption in another point of view? When we discuss the case of realty, whether settled or not, it is very obvious and very fair to call attention to the fact, that real property is subject to many charges from which invisible personalty—so to speak—is quite exempt; and therefore that is a justification, as far as it goes, of the exemption of realty. But that does not apply to the personalty which is the subject of these settlements. Funded property, free from every possible and imaginable charge, is by means of these legal arrangements, enabled to pass scot-free, when other property is called upon to pay a heavy toll. I think, then, as regards realty in the first place, as regards settled personalty much more, that it is impossible to defend the present state of the law. But there is another case far more flagrant than either of these—that is, the case of unsettled property, not real, but visible, immoveable, and therefore subject to the burden of rates and local taxation. Let the Committee look at the position of that kind of property under the present law—leasehold property in houses for instance. What is its condition? Let me contrast it with settled personalty on the one hand, and with realty on the other. There are two sets of charges, said to be full equivalents for one another: on the one side, probate and legacy duties; on the other, the land tax, greater cost of transfers, heavier taxation under Schedule A of the income tax, heavier burdens, nay, exclusive burdens, of local taxation. It is pleaded on account of this latter description of charge, that real property ought to be exempt from the former. Well, then, the case stands thus—I do not say that they exactly countervail each other—on the one hand, there is the probate and there is the legacy duty falling on personalty; and, on the other hand, there are local charges falling on realty; but here is leasehold property subject to both. Here is leasehold property subject to the cost of stamps on transfer, subject to all the extra burdens of taxation under Schedule A, subject to the land tax, subject to the full and undivided burden of local taxation, and yet subject likewise to both the legacy duty and the probate duties. How is it possible for any Parliament to suppose that when once public attention is fairly concentrated on this question, and once discovers this to be the true state of the case, any Government can maintain any longer a state of the law so entirely without foundation or warrant in truth and reason? That is the first proposition I wish to impress upon the mind of the Committee. I refer with no invidious intention to the course taken on this subject by the right hon. Gentleman opposite (Mr. Disraeli). He and the Government of Lord Derby were impressed with the belief that it was impossible to maintain the law as it stands; and in consequence they too gave a general pledge, which I understood to mean that there must be some equalisation of the present system by means of a general tax upon successions. Well, Sir, it being impossible to maintain the present state of the law, will you part with it altogether? Will you say, "Yes, equality ought to be established, but it ought to be established by exempting from the tax property which now pays it, and not by subjecting to the tax property which is now exempted?" That is one course, which it is perfectly conceivable many might be inclined to take. Many political economists are of opinion that a tax on successions is by its very nature an illegitimate tax; many think that, as a tax upon property, it ought to be absolutely proscribed. I do not mean to say that that is my opinion; but I refer to it as an opinion by no means destitute of much greater authorities for its support. I must confess that it appears to me that taxation of property raises a question of vast importance, but one which, like most other questions of taxation, cannot be disposed of altogether on abstract grounds. I should say it was straining the matter too far to say that there should, under no circumstances, be such a thing as a property tax—I speak now of a property tax as distinct from income tax. The real objections to such a tax are in my view drawn from practical considerations; from the great difficulty that attends the adjustment of such a tax; from the liability its infliction causes to renewed and continual contest between class and class; from its tendency to become a party question, and to occasion irritation among particular sections of the community. These, I repeat, are the great objections that attach to taxes on property; but these, I may remind you, are not so likely to attach to a tax on successions, occurring but once in a generation, as to a tax on property, which would come round again and again, with the objections to it, and the irritation gathered under it, recurring every year. Then, again, though I confess I do not look to the practice of antiquity, and of remote antiquity, as of very great authority in fiscal matters—though I do not deem the extreme antiquity of this tax on successions its main recommendation—yet I may beg the Committee to remember that this is no innovation of modern times—that it is rather a revival, in a modified form, of what was originally one of the main sources of the revenue necessary to the State—namely, a tax upon every succession to property, supported by a regular legal process of inquisition into its value. It is not, then, an innovation; but is it an injustice? When I speak of injustice, of course I understand that it is unjust to levy any unnecessary taxes; a tax you do not want, or a tax to support wasteful or profligate expenditure. Such a tax is an unjust tax, whatever be its amount, and lay it on what you will. I am assuming now that this is necessary, and that you will admit the purposes to which we apply the resources of the State, to be, in the main, reasonable. If, then, you want a given sum, is it unjust to raise it by a tax on successions? It seems to me that they who raise such a question as this do not sufficiently consider, that the carrying property in perfect security over the great barrier which death places between man and man, is perhaps the very highest achievement, the most signal proof of the power, of civilised institutions. I think that the ability to determine the future with regard to property, and to fix upon its course after you are in the grave—from man to man, and from life to life—passing it over from one contingency to another, and extending the private personal will of an individual into far distant years—limited, no doubt, and wisely limited, by law—is an instance so capital of the great benefit conferred by laws and civil institutions upon mankind, and of the immense enlargement that comes to natural liberty through the medium of law, that I can conceive nothing more rational than that, if taxes are to be raised at all, in the midst of these arrangements the State shall be at liberty to step in, and take from him who is thenceforward to enjoy the whole in security, that portion which may be *bonâ fide* necessary for the public purposes. But I will now look to considerations more immediately practical than these. Let us consider the other course—the admitted necessity of equalisation, and the possibility of equalising by abandonment. If you determine upon that, you must be prepared, at the same time, to give up the whole legacy duty, and to give up the great bulk of the probate duty, now producing over 2,500,000*l.*; and assuming that you retain a small stamp duty on probates corresponding to the stamp on settlements, as a mere validation of the document, still you would have to give up a sum of between two and two-and-a-half millions of the permanent revenue of the State; and such a surrender, I am quite convinced, you would find contrary to the general sense of the country. I feel certain that you are not prepared for that course; and if not, if you are not prepared to give up the principle and practice of making death, and the passing of property from predecessor to successor, the occasion of stopping and levying what you require for public purposes; then, I say, having reached that point in the argument, and being afraid of an abandonment of this principle and practice, you will come naturally to the further point, that you cannot maintain the tax as it now stands. What, then, is the thing to be done? On that question, too, I hope that the Committee will arrive at the conclusion of the Government, namely, that this tax ought, upon the principles of equity and justice, to be made a general tax, and that an effort should be made to cure its present gross and crying anomalies. Now, I appeal to the sense of justice on the part of Gentlemen opposite. I am very sorry if the necessities of the State and of our mode of government make it almost inevitable that any fiscal proposition should be more or less liable to be deemed a party proposition. I have heard it stated that this proposition has its origin in hostility to the land. I have no doubt that that is your conscientious opinion. Allow me respectfully to disclaim any such motive—for I suppose I have the same right to disclaim that you have to impute. I wish only to appeal to your sense of justice, and I trust I shall not appeal to it in vain. The ancient fable was, that when justice was banished from other quarters of the earth she still lingered for a while among the agriculturists—

> ——"extrema per illos
> Justitia excedens terris vestigia fecit."

Whether that fable was wisely conceived or not, I may appeal, I believe, to your real love of justice, and I request you to consider whether, as before the tribunal of justice, the proposition of the Government is not one that ought to be entertained. It appears to us that as you cannot maintain or justify the present state of the law, and as you cannot abandon such a source of taxation as this, the wise course to take on general grounds, and entirely irrespective of any temporary proposals, is to make the tax general in its application. It ought to be made an equal charge, but with due reference to the various incidents of the various species of property that come under its operation. A question may occur to the minds of Gentlemen whether we could not maintain some exemption—whether we could not, for instance, exempt real property? But how would you justify it? By saying that realty should be exempt because it pays local taxation—because it pays the land tax, because it pays under the income tax more heavily than personalty? Now every one of those considerations applies also to leasehold property. Would you be prepared to exempt that? If you did, you would begin to find your exemptions so enormous that they would raise to an intolerable amount the burdens of taxation on all descriptions of property left to pay the tax. Though I cannot altogether deny that it is fair to urge the burdens borne by land, yet there is some exaggeration on that question. Take the case of transfers. Very long ago it might be true that personal property could be transferred for the most part without expense, and land could not; but since those days a great mass of personal property of a species then unknown has grown up, and become subject to expense in transfer almost or altogether similar to that upon land. Take the railway shares, and you have at once a mass of property amounting to 300,000,000*l.*, subject to precisely the same tax or transfers as land. [An Hon. MEMBER called attention to the simplification of titles, and the expense attendant upon legal conveyances of land.] Nothing would give me greater satisfaction than to see some measure pass through Parliament with the object of removing the evils to which the hon. Gentleman calls attention, and indeed I should, before I had concluded my statement, have taken the liberty of suggesting to the Committee, and especially to hon. Members connected with the land, that whilst we hear so much about comparative trifles, they leave these greater questions untouched. The succession tax, which is felt but once in a generation, would be insignificant compared with the question referred to by the hon. Gentleman opposite—namely, the simplification of titles, and the relieving of land from those enormous expenses which, from want of it, the land is now subject to. But though titles are not simplified, they are not kept as they now stand for any interest or purpose of the State; this, therefore, is wholly a separate matter, and constitutes no reason that landed property should be exempt. The fact that railway property enjoys at the present time a better Parliamentary title than landed property, would be a most illegitimate reason for subjecting it to taxation. It is a most excellent reason for giving the land a similar title, I admit; but meanwhile you must not punish the railway proprietors for having a good state of the law, and compensate the landowners for having a bad, for that would be to take away their inducement to bring about a good state. I put it, then, to the Committee, supposing it seriously engaged in the consideration of the legacy duty, and in the reconstruction of the law—I put it fearlessly, that they cannot wisely, safely, or justly, propose to give to real property a total exemption from the operation of the legacy duty, for this, if for no other reason—that that exemption would necessarily entail with it the exemption of other very large classes of property, and would make so great a *hiatus* in the measure that the rate you would be obliged to lay on the rest would be intolerable. I assume, then, that you cannot exempt land, landed settlements, or settlements of personalty, from the tax. Perhaps you may think that settled land deserves a separate consideration from unsettled land; but Government have not been able to find grounds for any such distinction, for the reasons I have adverted to. The law of settlement opens a great question; settlement has its advantages and disadvantages. With respect to the tax in the shape of stamps, that is more than compensated by the probate duty, which you escape by settlement. But the law of settlement itself is a great question apart from all matters of taxation. I repeat, it is attended with great advantages, and likewise with considerable drawbacks. The fixing and tying up of land constitute, no doubt, impediments to its free use; but, on the other hand, the giving to family arrangements and to the possession of land a certain stability, though that idea ought not to be pushed too far, yet was an ancient part of our policy, and I am not prepared to say that it is one I would wish to see abandoned. It would be going, however, too far to say, not only that that settled property should escape the probate duty, but that it should likewise escape every description of tax which the State may levy from other kinds of property on successions. I therefore assume that with regard to settlements in general, and even as to settled land, you cannot maintain the principle of total exemption from legacy duty which now exists. The question of settled personalty, it would be a waste of time to argue anew. But perhaps you may say there ought to be consideration for settlements now in existence; that all property now settled ought not to be subjected to any duty on successions accruing under existing settlements. The answer to that appears to me to be obvious, and it is this—that the intention of the provision of the law which enables a man to settle is not to escape succession duty. Settlements have been made use of as the means of escaping the succession; but that was not in the spirit or intention of the law, and efforts have been made to enable the law to reach cases of that description. It appears, then, to me, on the grounds which I have briefly stated, that it is impossible to maintain with satisfaction, with justice, or with hope of permanence, the system of exemption that now exists; and I may likewise say incidentally with regard to the point which I last touched upon—namely, the exempting of settlements now in existence, that if you should think fit to adopt a provision of that kind, you would retard the operation of the Act perhaps for more than half a century. If the provision were demanded by justice, this consideration ought to form no bar to its enactment; but in my view it is not demanded by justice, and therefore there exists in the consideration I have adverted to a strong reason against the suggested provision. Now, Sir, as I have said, we do not propose at this moment to ask you to vote upon anything except the mere principle contained in the present Resolution. We have adopted, I believe, a form of proceeding as nearly analogous as we could to that adopted by Mr. Pitt in corresponding circumstances—namely, that of submitting the subject to you in the first instance in very general terms, which might have the effect of directing your views upon the principle, and reserving for your future consideration a number of important collateral questions which you will eventually have to dispose of. No doubt there are many of these important collateral questions. It must not be concealed that amongst other questions there is the question of the scale of consanguinity, which gives rise to a great difference of opinion, and which is a subject for grave consideration. It is known probably to the majority of the Committee that the scale of consanguinity as it is now fixed runs immensely in favour of direct succession—that direct succession is subject to a tax of only 1 per cent—that succession to a stranger (and with succession to a stranger are ranked many remote degrees of consanguinity) pays 10 per cent. There are several intermediate rates, on which it is unnecessary for me to dwell. The latter rate is highly productive. Although that tax falls upon a comparatively limited portion of property that passes by death, yet, owing to the high rate of the duty, the proceeds of that rate form a considerable proportion of the whole amount of the legacy duties which comes into the Exchequer. The returns which have just been laid on the table will serve to show the Committee that while the 1 per cent levied on direct succession, which touches far larger masses of property, yielded last year 238,000*l.* of legacy duty to the Exchequer, the 10 per cent levied on a much smaller mass produced no less than 490,000*l.*; and since the year 1797, whilst the 1 per cent levied upon the enormously greater mass of property has produced 8,322,000*l.*, the 10 per cent levied on the other class has produced 17,583,000*l.* Now, Sir, two very important questions arise with respect to the scale of consanguinity, which I will at this time do no more than hint at. The first is, that it is in our opinion equitable that a considerable difference should be made between the tax upon direct succession and that on the succession of strangers, or of persons of remote consanguinity. It appears to me that this principle is neither unjust nor impolitic. Speaking generally, those who enjoy direct succession are educated in expectations founded on that succession, are trained up, and have their habits and mode of life formed with relation to the property they look forward to enjoying. Upon them, therefore, it would be a great hardship, were the State to step in and take away any material portion of that property which they have been taught to expect. On the other hand, succession of strangers, and of persons not within traceable degress of consanguinity, are successions very commonly of an accidental character, and are unconnected with any training or expectation. These are successions, too, in relation to which caprice takes a large range. It does appear, therefore, very reasonable that a scale founded on degrees of consanguinity should be maintained. And I wish also to point out to the Committee that they must make up their mind in this matter between two things. They may maintain the present scale of consanguinity, or they may alter it. But, if they determine materially to lower the rate of 10 per cent, and so materially to reduce the amount paid into the Exchequer from property subject to that rate, they must also very considerably raise the rate of 1 per cent, or we shall not get our money. At this period I do not wish to enter upon a very full discussion of the question to which I have adverted more than once in the course of these remarks—namely, the question whether, even though you may think there is no ground for maintaining any absolute exemption of any great class of property, yet there may be good and sufficient reasons for adopting a very different machinery, and practically, if not nominally, a different rate of tax with regard to certain classes of property from what you lay on others. It appears to me that the present law is not only wrong in drawing too broad a distinction—that is to say, the distinction between a tax on one side, and no tax at all on the other—but it is especially wrong in the manner in which it strikes that distinction. And we propose therefore to make a change which, although not precisely described in the words of the Resolution, and which, although you are not asked to give an opinion on it at this moment, is of so much importance—is, I will at once say, of such vital importance to the plan of the Government—that it would be wrong if I were altogether to omit to notice it. We propose, instead of distinguishing, as the present law distinguishes, in favour of all settled property and all real property against unsettled personalty—we propose to abolish that distinction altogether—and to draw a new distinction between property which I will describe not in legal phrase, but in a way that will be more popular and generally intelligible—we propose to distinguish between what may be roughly called rateable property, whether real or personal, on the one side, and non-rateable property on the other. The advantage we propose to give will be given to rateable property, whether it be real, whether it be leasehold, or whether it be copyhold, or under whatever description it may fall—and the full burden of the tax will fall on invisible and non-rateable property. It appears to us that in that distinction there is something like a principle. This is a very fair matter to take into view when you are considering the measure and amount at which you shall fix your legacy duty or tax upon succession for these respective descriptions of property. The proposal, therefore, which we shall make with regard to rateable property is this—that the person succeeding to it shall never be charged with the duty upon any higher interest in the property than a life interest. We do not propose to establish different rates of duty. Now, you may perhaps ask me what will be the effect of this plan compared with that of charging on the perpetuity. That is a matter of computation, and may admit some latitude of opinion; but I shall not be very far from the mark if I say the effect of this distinction, with the collateral provision with which we draw it, will be, that rateable property will, when held in fee upon the whole, pay one-half, or a trifle under one-half, to the legacy duty of that which will be paid by property not falling within that description. Property not falling within the description of rateable property—that is to say—invisible or non-rateable property—will not in all cases be charged on the perpetuity. A person succeeding to the absolute dominion over the property will pay on the perpetuity; whilst a person succeeding to a lower interest will be charged on that lower interest. The question may be asked, not only, Why favour rateable property, but also, Why favour rateable property in this particular form? As to the first, it is on account of the other charges to which it is subject, and not borne by the property to which we propose to apply the full rate. And, further, I think it is a policy worthy of some consideration, not only to give something that may tend to countervail the special burdens borne by real property, but likewise to take care that you so adjust the payment of the tax in regard to property of that description, that you do not allow it to become an engine of great and serious evil, by forcing changes in the possession of the land. In order to prevent a consequence of this kind, your tax ought to be kept within such bounds that it may by proper efforts and exertions be paid out of the annual income, without forcing the possessor either into parting with the property, or into doing that which after the lapse of a certain time would become still more deplorable—loading it with successive incumbrances, which would leave the nominal master no real interest in the property. Now, these are our reasons for favouring rateable property. But it may be asked, why, if you think it ought to bear a less share of the tax—and this is a most important question—why do you choose this particular form for conferring that advantage, namely, the form of saying that a person succeeding to the possession of rateable property, shall never be charged on anything higher than a life interest? It may be said, why not charge him on the perpetuity if he succeeds to it, but at a lower rate? I wish to state that question clearly, and to bring it fully before the Committee, because I consider it one of very great difficulty, requiring in my view a very impartial and careful consideration; and it is one from the discussion of which I trust every collateral consideration connected with the fate of parties, of Ministers, and of Government, may on all sides be excluded, because those arrangements which we have now to make are arrangements materially bearing on the social system of this country, and which will therefore require the greatest care and forethought in their adjustment. Now, I admit it is not a self-evident proposition that when you have determined that rateable property is entitled to some comparative favour under a plan of this kind; therefore, you ought to give it in the particular form of a charge for a life-interest only. The objection to it is this, that it takes away from the life tenant the advantage that you propose to confer upon that class of property as compared with the other, because the life tenant succeeding to a leasehold or real estate would, under the plan proposed, be liable to pay as heavy a percentage for his inheritance as if he were succeeding in perpetuity. Therefore it fails so far in giving effect to the principle laid down. But when we take a comprehensive survey of the way in which different classes of property are dealt with under the laws which relate to points of this kind, I think it will be seen that there are much greater objections to the other mode of proceeding —namely, that of charging the successor to real or rateable property upon the perpetuity when he gets it. For, firstly, it is quite obvious that if you adopt the rule of charging the liferenter of an estate on his life interest, and the person who comes into absolute possession on his death on the perpetuity, you would establish a system of law that would work in favour of the great landed proprietors, and against the smaller holders of land; you would create a division and contrariety of interests amongst different descriptions of landed proprietors, which it would be most undesirable, to say the least, to introduce. You would be legislating in a most invidious sense. Those Gentlemen who sit here are generally connected with the settled property of the country, and it would be invidious, indeed, were they to adopt a proceeding which would favour the landed estates held by them at the expense of the smaller landed proprietors. But I must confess that, when we look closely into the matter, I think we shall see that the relation between the liferenter of realty, and the absolute possessor of realty, is not at all analogous to the relation between the liferenter in the funds, and the absolute possessor of funded property or other mere personalty. Among us, the life possessors of realty have every advantage from the property except the power of alienation, and, looking to the general rule, their successors are their children. Entail makes the natural provision for those who come after them, and for whom, but for this provision, they must provide by some other means. The advantage of the possession of an entailed estate in this country, with the social and political influence it confers, is very great; the position of a landed gentleman or Peer of England is a noble position: there is nothing like it in the whole world; the commanding station of those who are so situated opens to them the avenues that lead to distinction and to power. It is a position which although in a narrow pecuniary view it may be inferior to that of absolute possession, is one attended with great social advantages; and there is no real distinction to be drawn between the great landed proprietors possessed of entailed estates, speaking generally, and the yeoman, which would justify a distinction in the imposition of this tax. Such, I think, is the principle of the course we propose to pursue; that is to say, our rule will be never to charge any interest higher than a life interest, but in the case of an estate of less than a life interest, to charge upon that lesser interest. I think that any other course would undoubtedly, besides being less just in itself, have a dangerous tendency to bring about a pressure upon the present law of entail and settlement such as I should not wish to see—a pressure, the result of which would probably be a tendency to abolish that system in consequence of its being associated with invidious privilege. Were you to give too much advantage to settlement and entail as compared with other property, I am afraid that the whole law of entail and settlement might be put in some jeopardy, and be subject to the risk of being considered, not on its merits, but with regard to the narrow interests of class which would thus be brought into the field. These are the principal reasons—first, why we should propose to draw a distinction, not as the law now draws it, but upon a more just principle in favour of what I call, though but roughly and colloquially, rateable property; and, secondly, why it should be drawn in the form of a provision under which you would never charge any interest higher than a life interest. But there is another case to which I wish particularly to call the attention of the Committee, because it is very important in its social bearings; and the Committee will see that by this mode of proceeding we are able to meet the case, which we could not do by any other—I allude to the case of heavily encumbered estates. Now on our principle of charging upon the life interest in the case of heavily encumbered estates, the mode of proceeding would be this: In the first place, you would ascertain the age of the party succeeding; and, having his age, you have the number of years' purchase of his interest which you are to charge. You would then take the gross rental of the property. From the gross rental you would make the deductions necessary to arrive at the net rental—because there is no reason, such as prevails with respect to the income tax, to compel us to go upon the gross rental in a case of this nature. It is much better, and it is the principle of the present law, that the net rental and the net interest should be taken as the basis of taxation. Having ascertained the net rental, you will then deduct the incumbrances. In such a case it would sometimes happen, I fear, that the net rental remaining on which the life interest would have to be computed, would be of an extremely small amount, and yet at the same time—and it is the conjunction of these two things to which I wish to call your particular attention—there might be in the property a very large amount of dormant capital value. For example—if we take a large estate worth some 500,000*l*., with a gross rental of 16,000*l*. or 18,000*l*. a year, and a net rental of 13,000*l*. or 14,000*l*.; and if we suppose the estate to be saddled with mortgages to the extent of 300,000*l*., the mortgages would absorb some 12,000*l*. of the rental, and leave but 1,000*l*. or 2,000*l*. a year to the possessor, which will represent the annual value of the life interest; while, at the same time, there would be an excess of capital value over and above the mortgages, reaching to 200,000*l*. Now, I think if you charge upon the capital value, there is no way in which you could meet that case so as not to give the tax the effect and character of an engine for displacing the present possessor. I may be told that it would be best in many of these instances—that it would be a wise act—for the possessors, under such circumstances, to displace themselves. I have no doubt there are many such cases. The Legislature has recognised that principle in Ireland, and made provision for facilitating its operation. There may be a time—I hope that it is not come, nay, that it may yet be very distant—when you must be prepared to adopt in England, something more or less like the plan which you have adopted with regard to Ireland. But I think it would be an invidious, an offensive, an unwise, and an unjust measure not to facilitate the parting with property by persons disposed to part with it, but to lay on a tax in such a way as would have the effect of forcing them to part with it; and there is no tax, however moderate it might be, if it were fixed on the capital value of such an estate as I have described—when you consider how attenuated the income would be—there is no tax which would not have the effect of compelling the possessor to bring his estate into the market. The provision we propose to make is this—that the person succeeding to such a property shall be charged with the net life interest, according to his age and the number of years' purchase his life may be worth; but if that gentleman chooses at any time to bring his estate into the market, and to realise the 500,000*l*. instead of the life interest, the balance, after discharging the encumbrances of 300,000*l*. will represent the data upon which he will have to pay the tax upon his succession. That is obviously the fairest way of proceeding, and I doubt whether anything less would do full justice to the Exchequer and to the relative claims of other classes. In the event of a subsequent and voluntary alienation of property, the claim of the Exchequer will revive; but in the event of the successor continuing to hold the property, the charge will only be on the net life interest. I think every Gentleman who looks into that matter will find powerful reasons in support of that provision. [An Hon. MEMBER: Will the claim of the Crown revive during his whole life?] It will. The claim of the Exchequer will revive in the event of alienation at any period during the holder's lifetime. At his death there must be a new succession; but if the alienation of the property takes place at any period during his life, the claim of the Crown will revive against the actual possessor for the difference between the amount of legacy duty which he may have paid upon his original life interest, and the amount of legacy duty due upon his life interest in the realised value, after allowing for the incumbrances. I believe there are other more purely legal and technical considerations connected with the tenure of landed property, which would likewise dictate such a course as has been proposed with regard to the general mode of charge on real property; and I think I am right, though I have not made reference lately to the point, in saying that the plan of Mr. Pitt in the legacy duty which he proposed was of a similar description, and that he likewise in cases of real estate proposed to charge the duty upon life interest. Those, Sir, are the main points to which I think it necessary to call the attention of the Committee at the present moment. But I think it necessary I should say a few words upon one other subject, and that one other is the probable produce of the tax; because I have seen in various quarters anticipations of the produce of the tax which I am utterly unable to follow or comprehend. Some of them are sanguine only, others are utterly irrational and extravagant, and will not bear one minute's examination upon reference to the documents by which they purport to be supported. With regard to Ireland I have heard it stated and even assumed in debate, that the additional legacy duty which we shall derive from Ireland will be 300,000*l.* a year. My belief is that the additional legacy duty which we shall derive from Ireland will be somewhere between 60,000*l.* and 80,000*l.* a year. This is very disappointing no doubt. It takes the colour, the life, and the beauty out of the pictures that have been drawn, and brings them down to a very humble and mean aspect and proportions indeed; but at the same time that is the best computation I have been able to obtain, aided by all the experience and ability we can bring to the consideration of the subject. I will not enter at this late hour minutely on this computation of amount; but I will venture to hope I may, not offensively, call the attention of the House, and especially of hon. Gentlemen opposite, to the many sources of fallacy which exist with respect to the legacy duty. I had stated I expected an addition of two millions to the public resources: and upon this, although such an idea never entered my mind, and never passed my lips, it was immediately stated that it was intended to levy two millions a year on the land. [Mr. DISRAELI: No!] The right hon. Gentleman seems to deny having such an impression, and I do not impute it to him that he so misunderstood me; however, not only in newspapers out of doors, but by Members in this House, it has been distinctly asseverated in reckoning the probable proceeds of the tax from land. One source of fallacy I think is this: the landed class in this country hold the first place in regard to influence, station, and power; and I hope they will long keep it. I have said they hold the first place—but if not the first place, certainly a foremost place. They have immense influence, station, and power, in this country; but the income of the landed class, as a class, is not in proportion to their influence and power. There are a great many cases similar to that I have adverted to, of extremely reduced incomes, the possession of which still leaves to the person owning them great influence and power—social power and station, and direct or indirect political power. I think for that reason there is a strong disposition to exaggerate the amount of landed income in the country. Now the fact is, the amount of landed income, or landed property, when compared with the rest of the income of all the other masses of property that will be subject to legacy or succession duty, is comparatively trifling. I am almost afraid to say how small I anticipate will be the proceeds of this tax from mere land. On a former occasion I ventured to state that it appeared to me that land paid 9*d.* in the pound, or thereabouts, to the income tax, while other classes paid 7*d.* in the pound. It was deemed I proved too much, and we had to pay the penalty in a long debate, and a great division. Perhaps a similar result will attend an elaborate examination of the present question. The proposition that out of the two millions I expect to gain, the proportion proceeding from the land will be but small, rests upon two considerations; not only because we say the land, together with other rateable property, ought to bear the charge at a lower rate, but likewise because landed income really forms but a moderate proportion of the incomes subject to the tax. I think it was the hon. Member for Belfast (Mr. Cairns) who, on a former night, when I was unfortunately prevented by indisposition from attending the House, in an able speech, discussed this question, and by the light of his own experience as a professional man gave an opinion to the effect that the amount I should receive from settled personalty under a tax of this kind, when made liable, would be very large indeed. That, no doubt, is the reason why I reckon upon a very large income from personalty, and I also look for a fair and moderate increase of the revenue from land. And when I speak of land, of course it must be remembered there are two important classes of property connected with land, but which are not land—first, the income accruing to creditors of landed proprietors upon mortgages; and, next, the income proceeding out of settlements upon land. I do not think it possible, with fairness, to draw any distinction between personalty settled upon land as compared with any other personalty. The incomes, for example, of younger sons, growing out of charges fixed on land, are not more liable to local burdens than the money of merchants or of bill brokers, or of any other purely undeniable personalty, or than money in the funds. It appears to me that that description of property, which is connected with and related to land, although not land, must take its chance with other personalty, and bear the full burden of the tax. As well as I can compute, I should suppose that the produce of the tax from property of that description—of settled personalty and charges on the land—will probably be 200,000*l.*, or something more. As to the produce of landed property proper, I will not at this moment venture into details, since there will be a future opportunity of discussing them; but I may state my opinion, that the amount of the tax which landed property, as distinguished from houses and other messuages in the three kingdoms, will pay, cannot rationally and safely be estimated at more than about 400,000*l.* a year. I have not heard anything stated nearly so low as that; but I will tell the Committee the mode in which I have proceeded in making my estimate. I have stated to you distinctly, mind, that I have separated and struck off from this item the consideration of house property and other messuages, and I am now taking only estates properly territorial and agricultural. I stated the other night, in answer to a question, that we had no secret sources of information on the subject, and the chief basis of calculation is equally open to any Gentleman in this House—I mean the figures of the income-tax returns. Under Schedule A, we find the gross amount of landed property charged with the income tax, and I think it is 49,000,000*l.* a year. There are the deductions to come off that amount. The deductions, I think, if we take them roughly, because we have no means of estimating precisely the difference between gross and net, we may put at 16 per cent. That reduces the 49,000,000*l.* to 41,000,000*l.* I must then make the addition of Ireland. The valuation of all —not only landed, but the whole rateable — property in Ireland, amounts to 11,200,000*l.* in round numbers; but of that I must strike off that portion which is not landed property—house property and other messuages. I suppose probably it will leave from 7,000,000*l.* to 8,000,000*l.* landed property; and that, together, gives a net income from land in the three kingdoms of about 48,000,000*l.* From that 48,000,000*l.* I have then got to deduct the interest of mortgages and other incumbrances, which of course every successor is allowed to deduct before he is charged with the tax. What this may be we are all alike able to judge—we are all on an equality in this respect—we may all guess and conjecture at pleasure; but if you take the interest of mortgages, and other incumbrances, of settlements and all other charges on land, at 25 per cent, it leaves 36,000,000*l.* net annual landed income. Now, that 36,000,000*l.* of annual income represents a capital value of about thirty times as much. But then how often do successions come? It seems not irrational to say once in thirty years. ["Oh, oh!"] At any rate it is open to Gentlemen to take any standard of calculation they please. I wish to show distinctly, only avoiding minute details, the steps by which I come to the ultimate calculation.

Mr. DISRAELI: You make your estimate on the income-tax returns; but you have not taken the returns on the assessments under 150*l.*

The CHANCELLOR of the EXCHEQUER: If so, then that will be a certain addition, and that addition can be very easily ascertained, because the income tax gives it to us. But I think, on reflection, that I have included it in the 49,000,000*l.* Unless I am very much mistaken the 49,000,000*l.* is the gross assessment under Schedule A, irrespective of any distinction between properties under, and properties over, 150*l*. I am afraid there is no addition to be made on that account; but I am obliged to the right hon. Gentleman the same for having suggested it. Well, then, if we have 36,000,000*l*. of income, the next question is, how often do successions occur? I think we may take an average at thirty years; but by reference we may ascertain that point. We have, then, successions every thirty years, landed property worth thirty years' purchase, and 36,000,000*l*. of landed property on which to lay the tax. The next element of the calculation is, at what rate will that landed property pay the duty? The legacy duty at present, on an average, is levied at a rate of 2 4-5ths per cent. It is quite plain the call on landed property must be at a more easy and lighter rate, for two reasons—first of all, because we tax no interest higher than a life interest, which reduces the tax by one moiety; and, secondly, to a certain extent, because landed property runs more in a direct line than personalty. If property is left to strangers, it is more generally out of personalty, whilst realty in general descends to children or near relatives. If that is the case, and if under the present scale of consanguinity the present duty only averages 2 4-5ths per cent, it is quite plain that landed property will not average more than one moiety, or 1 2-5ths per cent. One per cent gives on thirty-six millions 336,000*l*., and 1 2-5ths per cent would be something under 500,000*l*. But when I make allowance for the greater frequency of direct succession to landed property than to personalty, I am sure I must make a considerable further reduction; and I cannot estimate the proceeds which will be realised from landed property, properly so called, at materially more, than 400,000*l*., or considerably less than half a million. I have now stated briefly the grounds on which I have arrived at that conclusion. I have endeavoured to state them plainly, and you can sift, examine, and judge of them yourselves. The estimates—estimates I can hardly call them—the dreams, I was going to say, of certain wiseacres—but I will not use so offensive a term—the dreams in which some persons have indulged, have tended to propagate dangerous delusions on this subject, and have exhibited me in the light of a Minister of monstrous rapacity, who would attempt to raise from the land sums of money far beyond what is necessary for the exigencies of the State. If it can be demonstrated that a great deal more money will come from the land than I have anticipated, nobody will lend a more willing ear to such a demonstration than myself. Only let us see what are the real and *bonâ fide* grounds on which we are to base our expectations that the revenue will be larger, and I shall sincerely rejoice at so satisfactory a result. I will not go into the question of personalty. There, again, we have to trust to the income-tax returns; and I may state that as with regard to realty, so with regard to personalty, there is a large portion of income that does not come under the tax at all. I will not now go into the question; but I venture to hope the produce from personalty—with house property and messuages—will be such as to raise the gross additional amount of revenue which I expect from this measure within the period of five years—I take this opportunity of correcting my carelessness in stating four years on a former occasion—to two millions per annum. I will now explain the mode of payment of the tax on real and rateable property, and the time within which parties succeeding will be expected to pay. Speaking generally, where the successor to landed property is not also the residuary legatee, the first rent that accrues does not belong to him, but the second rent is his. We, therefore, propose that he shall not be subject to the payment of any duty until twelve months after he has succeeded to the property: the second rent, which does belong to him, will then have been paid him; and some time will commonly have elapsed before the demand is made. Then we propose that he shall be liable to pay the tax in eight equal half-yearly instalments. In cases of direct succession, that arrangement will make the tax payable without material inconvenience; and also in cases of near indirect succession. In cases of 10 per cent succession, it will be a harder case. In respect to land, no doubt, even on a life interest, the tax will take up during those four years a considerable share of the income. As far as the State is concerned, it will be perfectly open to consideration whether there shall be a further prolongation of the time; but I very much doubt the general policy of that course, for I am afraid it would tend to bring about an accumulation of encumbrances. It will be better to leave it in the form of temporary difficulty, giving discretion to the Executive Government, as I rather think is the case under the Legacy Acts, to give an extension of time in cases where there is real necessity for that indulgence. Generally speaking, therefore, it will be understood that the basis of the tax, with respect both to real and rateable property, is to charge in no case higher than the life interest, to make all proper deductions for encumbrances, and to allow in all cases a period of one year before making any demand in respect to the tax; after which it is to be levied in eight equal half-yearly payments. I adverted before to one distinction which it is proposed to make between cases of succession in fee and succession in life interest, namely, this—that if a person succeeds to the life interest, and dies before he has paid the entire tax, before the whole of the instalments have become due, as he succeeded to nothing but the life interest, and as that passed away with his death, the outstanding instalments shall abate; but if a person succeeds to the fee, and dies before the instalments become due, as he has had a continuing interest, and as he plainly became liable to the entire charge by his succession to the property, in this case, however short his life may be, the remaining instalments will become a debt to the Crown. I hope I may now release the Committee from the fatigue of attending to these remarks. I have endeavoured to confine myself as closely as possible to the question, and to the various points which have seemed to me to arise out of it. And I venture to express the hope—I do not challenge either contradiction or assent—but I venture to express a hope that the statement I have made will show that the Government, in making this proposition, have not been influenced by the motives imputed to them in some quarters; that they have endeavoured to examine the real right and justice of the question; that they have endeavoured, as far as they could, to settle this great question permanently upon the basis of equity and fair dealing, by which alone it is their desire, not only that the whole of their own proceedings may be regulated, but likewise the proceedings of every body of men who may, from time to time, be entrusted with the care of the interests of this great country. The right hon. Gentleman then moved the Resolution as follows:—

Motion made, and Question proposed—

"That, towards raising the Supply granted to Her Majesty, the Stamp Duties payable by law upon or for or in respect of legacies, shall be granted and made payable upon and for every succession to the beneficial enjoyment of any real or personal estate, or to the receipt of any portion or additional portion of the income or profits thereof, that may take place upon or in consequence of the death of any person, under whatever title, whether existing or future, such succession may be derived."

Mr. BRIGHT: I wish to ask the right hon. Gentleman a question with regard to a very important description of property, on which I think he has not given the Committee sufficient information. He proposes to draw a new line between rateable property and property not rateable. Now, I want to know upon which side of that line he intends to put railway property, which is a property as hon. Gentleman know, very great in amount? Railway property already pays rates to a very large amount; it will be seen how large, when a return which I have moved for shall be laid upon the table, as it will be in two or three weeks. I should like, if the right hon. Gentleman has considered the point, that he should state to the Committee upon which side of the line he intends to place railway property.

The CHANCELLOR of the EXCHEQUER: That is a question, Sir, of some difficulty. *Primâ facie*, no doubt, it will appear that railway property is liable to rating; but, on the other hand, the value of railway property in the market is a value acquired after allowing for that deduction. At the same time, I must frankly own that the case of railway property has not as yet been specifically considered by the Government. It will, therefore, probably be better that I should take time to look into the subject, rather than that I should upon the moment give an answer to the question of the hon. Gentleman.

Sir JOHN PAKINGTON said, it would be impossible, at this hour of the night (a quarter to twelve), to proceed satisfactorily with the discussion. He would therefore move that the Chairman do report progress.

Mr. FRESHFIELD suggested that when the Committee next sat he should be allowed to propose the Amendment of which he had given notice, and that the debate might then proceed upon it.

The CHANCELLOR of the EXCHEQUER: The view that the Government take, and that which I think the House approves, is, that there is a necessity for passing the Legacy Duties Resolution, and for getting the Income Tax Resolution through Committee before we proceed to part with existing revenue. It is therefore, a matter of great regret to see our evenings shortened. At the one end there is a lengthened discussion upon personal questions, and at the other end we are met by a Motion which induces delay. I do not complain of that: the time lost on each occasion is small, but there is an old Scotch proverb of which I may remind hon. Gentlemen—"Every little makes a mickle." I do not intend to oppose the Motion that the Chairman report progress, but I hope the Committee, bearing in mind the vacation before us, will come to a decision on this Resolution to-morrow evening. It is impossible at present to enter into details, the principle being the only question, and I trust that will be the view of the Committee.

MR. NEWDEGATE: I do not understand whether the right hon. Gentleman has stated how the several percentages are to be charged in reference to consanguinity. Perhaps he will have the goodness to explain his views on this point.

The CHANCELLOR OF THE EXCHEQUER: What I stated was this—that I could not represent the maintenance of the existing scale of consanguinity as being absolutely vital to the measure; but I wished to put it to the Committee that it was vital either to maintain the existing scale of consanguinity, or, if they think fit to reduce the tax now charged upon the succession of strangers, then in the last case they must be prepared materially to increase the tax upon direct successions. The preference of the Government is most decidedly in favour of the former course; and their proposal will be to maintain the existing scale of consanguinity.

MR. HUME suggested that a schedule, or some analogous measure, if it could be prepared, showing the various ways in which it was proposed to assess property on successions would better enable the Committee to judge of the merits of the question, than the explanations they had just heard.

The CHANCELLOR OF THE EXCHEQUER replied that there was no option in this respect for the Committee. They must pass the Resolution, and the Bill would contain the information required by his hon. Friend.

MR. HUME had then no hesitation in saying that, under such circumstances, the sooner the Resolution was passed the better, because then the country would be in possession of the actual details of the measure, There were many details under the existing Legacy Act, and it was desirable to see how they were affected by the new measure.

MR. CHRISTOPHER inquired whether it was intended to introduce one Bill only, and to make it applicable to the whole of the United Kingdom, or a separate Bill for each part?

The CHANCELLOR OF THE EXCHEQUER: One Bill for the whole.

MR. E. BALL said, there were various successions on death, which he thought should come under some principle. A man might settle property upon his widow while she remained unmarried; which property, upon the second marriage, would go to the children of the first. There were various other successions of the like nature. How did the Chancellor of the Exchequer mean to tax them?

MR. MALINS observed, that the succession to property was dependent on many other events than death. For instance, a man settled property on his widow as long as she remained unmarried. In the event of her contracting a fresh marriage, would the person to whom the property would pass, be called on to pay the duty?

The CHANCELLOR OF THE EXCHEQUER: I have said that the tax was always to accrue in consequence of a death; but I did not say it was always to accrue in consequence of a death that had immediately preceded the succession. In this principle of the measure I think the learned Gentleman will find the key to his question.

MR. MILNER GIBSON said, a question had been put in the early part of the evening relative to a measure closely connected with the succession tax, namely, the registration of settlements. He wished to ask what was the right hon. Gentleman's answer, as he did not exactly comprehend it? He understood there was to be no provision for the registration of settlements in this Bill, and he wished to know whether there was to be a measure to bring about a compulsory registration of settlements?

The CHANCELLOR OF THE EXCHEQUER said, the right hon. Gentleman had, in point of fact, asked two questions: one, whether a Bill for the registration of settlements was to go forward; and another, whether the Bill he was about to introduce, if the Resolution were passed, was to include or imply a provision for the registration of such documents. The Committee would judge for themselves, when they saw the Bill with regard to the succession tax, whether the machinery was sufficient to ensure the levying of the tax. This was the main point. If the registration of settlements was a good measure, let it be passed; but let the House find the best possible machinery for levying the tax which was the subject of this Resolution.

Mr. AGLIONBY said, it had been admitted that there were inequalities between rateable and unrateable property in the assessments for local purposes. He, therefore, wished to ask the right hon. Gentleman whether it should not come under the consideration of the Government to devise some scheme for the more equitable assessment of such property for local purposes?

The CHANCELLOR of the EXCHEQUER: In the first place, I do not feel, in my position as Chancellor of the Exchequer, that I have any strength to spare at this moment in order to deal with the subject suggested by the hon. and learned Gentleman; and, in the second place, neither am I authorised on the part of the Government to enter into it. It is a subject of immense importance, which must be considered upon its own merits.

Sir WILLIAM JOLLIFFE said, the right hon. Gentleman had not in his statement touched upon the manner in which the valuation and appraisement of estates should be made on succession. The expense of such valuations at present was enormous; and he wished to know whether any allowance would be made for that charge?

The CHANCELLOR of the EXCHEQUER: That subject has not escaped my attention, but I thought it was one which must necessarily be reserved until we had the Bill before us. It is not a subject altogether new. The present Legacy Duties Act embraces it of necessity. All visible property, which is not real property, is already subject to all these considerations; and I think the machinery now proposed will be found adequate to the disposal of the question as affecting real property. I will only remind the hon. Baronet that there is no question of valuation of property, so called. With capital values in regard to real property we shall have, generally speaking, nothing to do. The whole basis of the proceeding will be the net annual value.

Mr. HEATHCOAT inquired who was to give the rental in succession? Was the heir to return his own rental, or was the assessment to the poor-rate to be taken?

The CHANCELLOR of the EXCHEQUER: The necessary process will be, that the party coming into possession will be called upon to give his own statement of the gross rental upon which he is taxable, together with the deductions which he claims; and those deductions will have to be settled according to general rules.

House *resumed*.

Resolution to be reported *To-morrow*.

Committee report progress; to sit again *To-morrow*.

RYE WRIT—ADJOURNED DEBATE.

Order read, for resuming adjourned Debate [2nd May]—

> "That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a New Writ for the electing of a Baron to serve in this present Parliament for the Town and Port of Rye, in the room of William Alexander Mackinnon, esquire, whose Election has been determined to be void.'

Question again proposed.

Debate *resumed*.

Sir CHARLES BURRELL said, that the evidence taken before the Committee was only delivered to Members yesterday; there had not, therefore, been time to give so important a subject the consideration which it deserved. Under these circumstances, he should take the liberty of moving that the issuing of the writ for Rye be postponed to that day fortnight. It appeared that the franchise in that borough had, to a great extent, been brought under the control of one individual.

Amendment proposed—

> "To leave out from the word 'That' to the end of the Question, in order to add the words 'no New Writ be issued for the said Town and Port until Friday the 27th day of this instant May,' instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

Sir JOHN PAKINGTON said, that being Chairman of the Rye Election Committee, the House would probably expect him to make some statement after what had fallen from the hon. Member for Shoreham. He understood him to rest his Motion on the fact that the evidence was not delivered to Members till yesterday morning, and that the House consequently had not had time to become masters of it. That was a fair question for the House to consider, and he would leave the House to adopt what course they would prefer; but if the hon. Member founded his Motion not on the evidence, but on the merits of the case, then he was bound to say, as Chairman of the Committee, that the House of Commons could not justly or properly refuse the writ. The question for the House must be, whether they ought to issue at once the writ, or disfranchise the borough. It appeared to him there was no middle course. He did not think anything could be gained by the suspension of the writ; for, to whatever period it was delayed, they would at the expiration of it be just in the same position as they were in now. For the disfranchisement of the borough he certainly thought there was no ground whatever. It was very true that a considerable number of the electors were at one time influenced by Mr. Jeremiah Smith, of whom they had heard so much. He believed that some electors were still under that influence—how many he could not say—but he had reason to think they were a small minority. He had also strong reason to believe, that a great majority of the electors were as pure and free from taint as any constituency in the kingdom.

Mr. BASS said, that having moved the adjournment of the debate when the writ was moved for, he wished to state his reason for doing so. He happened to be acquainted with many circumstances connected with the borough of Rye, and he knew many of the parties concerned in it, and having attended the Committee, he found that at least it was a case deserving consideration. But since then he had heard the opinions of the right hon. Baronet (Sir J. Pakington) and of the noble Lord (Lord J. Russell) on the subject, and it seemed to him that it would be unfitting for him (Mr. Bass) in his position in that House to resist the authority of such men. He had felt that it was his duty to confer with the noble Lord on the subject, and he asked the noble Lord to grant him an interview upon it. He had had an interview with the noble Lord, who went through the Report of the Committee, and, after very mature consideration, the noble Lord came to the conclusion that the writ for Rye ought not to issue without further consideration. The noble Lord authorised him (Mr. Bass) to communicate that as his view to the right hon. Gentleman (Mr. Tufnell). As many hon. Gentlemen might not be acquainted with the circumstances of the case, it might not be an improper liberty on his part if he called their attention to two or three points, not of the evidence, but merely of the Report of the Committee. He confessed it was a matter of great surprise to him that the right hon. Baronet (Sir J. Pakington), who was Chairman of the Committee, having become perfectly acquainted with the history and proceedings of the borough, should have argued so strongly for issuing the writ. It was stated by one of the hon. Members for Dorsetshire, who was a high authority, that no Select Committee appointed to conduct any investigation, issued a Special Report without expecting it to be acted on by the House. The Report stated that the borough was in a most unsatisfactory condition, and called on the House, seeing the constituency was not in a position to exercise free election, to furnish a remedy for such a state of things. The Report stated that Mr. Jeremiah Smith corruptly lent money for electioneering purposes to a very large amount; that, in 1837, loans were outstanding to the extent of 15,000*l.*; that the Committee had the strongest grounds for believing that the system of political loans, and the exercise of political influence so obtained, had been continued by Mr. Smith, though on a less extensive scale, down to the last election of 1852. The House would recollect that last week he presented a petition from sixty-three gentlemen of the highest respectability in the town, begging the House not to issue the writ, because they were not in a position to exercise the franchise. If they allowed this writ to issue, it would be tantamount to an emphatic sanction for corruption, and would destroy all confidence in the desire of the House to prevent those disreputable practices.

Sir JOHN PAKINGTON said, he understood that the noble Lord the Member for the City of London, now absent, would reserve his opinion until after he had read the evidence. He begged to suggest that questions of this nature, deeply affecting the rights of electors, should be discussed early in the evening, and not at one or two o'clock in the morning. It was hardly decorous to be legislating on such a subject at such an hour.

Mr. SPOONER moved the adjournment of the debate.

Mr. TUFNELL said, that the argument of the hon. Member for Derby (Mr. Bass) went to prove that the borough ought to be disfranchised, which was not the conclusion he had arrived at after a careful perusal of the evidence.

Viscount PALMERSTON said, he consented to the adjournment of the debate until to-morrow, when he trusted his noble Friend (Lord J. Russell) would be sufficiently recovered to attend.

Mr. FREWEN said, he thought time ought to be given to enable Members to consider the evidence. But he wished more particularly to call the attention of the House to a concise statement published in the shape of a pamphlet by Major Curteis, which he thought hon. Members would do well to possess themselves of. In his concluding paragraph Major Curteis said—

> "There is no doubt, whatever, that a great many of the respectable and independent electors of the borough would rather see it disfranchised than that the system originated by Mr. Smith should be continued or transferred by him to another. It is to be regretted that the Committee did not prosecute their inquiries further, as the fullest disclosures would have been made of a system of corruption established by one person."

Debate *adjourned* till *To-morrow.*

The House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Friday, May 13, 1853.

Minutes.] Public Bills.—1ª Evidence and Procedure; Juvenile Mendicancy.
2ª Common Lodging Houses.
3ª Burghs (Scotland); Cathedral Appointments; Copies of Specifications Repeal.
Royal Assent.—Exchequer Bills.

LAW OF EVIDENCE AND PROCEDURE BILL.

Lord BROUGHAM said, that in consequence of the Report of a Select Committee which was laid on their Lordships' table last night, he should divide the Law of Evidence and Procedure Bill, which stood for Committee this evening, into two parts, and postpone one, and endeavour to obtain the concurrence of their Lordships to the other. He should strike out of the clauses all relating to that part which he should not urge, and present to their Lordships a new Bill, embodying that which would be so struck out.

Lord CAMPBELL said, there could be no objection to that course; but it was of the greatest importance there should be ample opportunity for discussing all the clauses of the new Bill.

Lord BROUGHAM then *presented* a Bill for further amending the law touching Evidence and Procedure in certain respects (Evidence and Procedure Bill), which was read 1ª.

COMMON LODGING HOUSES BILL.

The Earl of SHAFTESBURY, in moving the Second Reading of this Bill, which was intended to make further provisions with respect to common lodging houses, said, the Act which was now in operation had produced results that had far exceeded his most sanguine expectations when it was introduced. In calling the attention of the House to the beneficial effect produced by the Act now in operation, he need do nothing more than quote the Report by Captain Hay, the admirable Police Commissioner. His statement showed both the evil and the improvement; and it was mainly on his experience and suggestions that the present Bill was grounded. It must also be observed that this was the first successful effort that had been made to reach the very dregs of society; the first to penetrate to the deepest dens of vice, filth, and misery. Often had they been half taunted with the insinuation that they were doing vast things for people of a better sort; but where, it was asked, were their operations on the great masses? The reply lay in Captain Hay's Report, from which he would quote two extracts. Captain Hay said—

> "In the occupation by families of single rooms all the evils incident to the crowding of persons together without regard to age or sex are produced. On visiting a house in Church-lane, St. Giles's, soon after midnight, there were found in a room measuring 14 feet 6 inches by 14 feet 6 inches no less than 37 men, women, and children, all lying together on the floor like beasts, with scarcely any other covering than the clothes taken from their persons, which they had worn throughout the day. On opening the door leading into this loathsome place the heat was so great, and the odour so offensive, as to make it nearly insupportable. No means whatever were employed to ventilate the room except the chimney. The same evils were found in a large number of houses, varying according to the respective dimensions of the houses. In an ordinary eight-roomed house in Pheasant Court, Gray's Inn Lane, were living 17 families and lodgers, numbering 78 individuals. In an adjoining house, containing the same number of rooms, were found 21 families and lodgers, amounting to 103 persons; in an eight-roomed house, 18 families and lodgers, making 69 persons; in a house of similar size adjoining, 16 families and lodgers, numbering 77 persons. Husbands and wives, with their children, brothers and sisters, men and women, were found in the foregoing rooms indiscriminately huddled together, without regard to age or sex."

He cited that description merely as an illustration of the evil which had existed; for he feared it was only one instance of hundreds and thousands of the houses formerly to be found; and let their Lordships contrast with that statement the present state of things, which was the result of the operation of the existing Act. Captain Hay reported—

> "Previous to the introduction of the Common Lodging Houses Act, it is scarcely possible to describe the filthy condition of houses—the loathsome beds filled with vermin, the overcrowding, which caused fever to be rarely absent, the abandoned inmates, comprising the lowest classes of vagrants, thieves, and prostitutes. These are matters upon which abundant testimony could be obtained, if necessary, but even by eye-witnesses no adequate description could be given of the filth and misery they constantly exhibited. That the Act is working well, it will also be possible to show from unquestionable testimony, for, in addition to the statement of our inspector, and the observation of myself and other officers of the division, which go to prove that the houses are now well cleaned, the walls and ceilings whitewashed, the ventilation improved, the numbers admissible regulated, the bedding better, both in quantity, cleanliness, and quality, and the consequent liability to fever and other contagious disorders considerably reduced."

Captain Hay then gave a great number of medical certificates, testifying to the good results of the existing Act; and Dr. Arthur, parochial surgeon, Deptford, stated—

> "I feel much pleasure in informing you that since the Common Lodging-houses Act came into operation in this district, I have only had three cases of contagious disease in the lodging houses, which I attribute to the very efficient manner in which the Act is carried out."

Many other similar testimonies might be adduced. He wished to call their Lordships' attention to the important fact of the great number of persons who had experienced the advantage of the operation of the Act. The common lodging houses registered up to the present day—and there were many more still to be registered—contained not less than 80,000 inhabitants. Now, they could not have better evidence of the benefits of the Act than the testimony of the lodgers themselves; and Captain Hay's supplementary report would show how they appreciated the benefits they enjoyed from it. The evidence of the police inspectors of different districts was to this effect:—

> "The regulations have given general satisfaction, particularly to married couples. They (the lodgers) consider them excellent, and much conducive to their comfort; many poor persons have told me they have enjoyed more cleanliness and better accommodation since the lodging-houses had been inspected by the police than ever they had in them before. They express their satisfaction at the improvements in cleanliness and accommodation. The lodgers generally express their entire satisfaction at the regulations, and the comforts derived through them, by cleanliness, partitions, numbers reduced, &c. Much superior in every respect. They are in every way approved of. One and all speak of them as a great boon—highly pleased with the improvements, feeling satisfied there is greater comfort, and more beneficial to their health."

Such were the statements of the metropolitan inspectors; and the reports from the country were equally good. He had favourable reports from Chorley, Portsmouth, Carlisle, and other places. From Chorley the superintendent of police stated:—

> "I consider the Act decidedly beneficial. T. H——, Water Street, a common lodging-house-keeper, said:—'I find the Act good for everybody, but did not like it at first.' He 'loses a little money, as he has had to take another cottage to hold the same number of beds, but gains in comfort. The rooms used to smell very strong, now there is a good vent and does not smell it; windows which were formerly fixed are now made to open.' The house, which used to be very dirty, and the walls dark with filth, is now very clean; the walls are whitewashed, there is no close smell, and the bedding is in a satisfactory condition. J. L——, lodging-housekeeper, said:—'The law has put me to some expense, but I think it is a good law, and would not repeal it if I could. Do not make so much money as formerly, but there is more comfort.' His wife said:—'The tramps come now from clean places, and are in their persons cleaner than they used to be. Have not to strip the beds so often as formerly.' Before the Act, 'they (the tramps) used to come from dirty places, now they mostly come clean; and there is far less trouble to keep the rooms and beds decent.' It's worse for those as was always dirty, but best for 'em as was always clean. Used to have to strip some of the beds every day; now once a week is mostly enough, except now and then a dirty one comes. When folks is used to tidy places they keeps tidy. It's far comfortabler.' This house is in a very creditable condition, and the above statement was given with great heartiness."

All that evidence was not unworthy of their Lordships' attention, and would encourage them to extend the benefits of the Bill. A city missionary wrote to him stating—"It can scarcely be conceived the moral and physical improvement which has taken place. Since the operation of the Act keepers of houses seem to approve of it." There were certain details in the Bill which he thought might best be discussed in Committee, but he would now glance at the principal provisions of it. It was found necessary to introduce some enactment that would be stringent with respect to those guilty of a third offence in disobeying the provisions of the law. Therefore it was proposed to disqualify such offenders from keeping lodging houses for a certain number of years. There were next provisions granting power of inspection, and enabling local authorities to remove causes of complaint certified under the Nuisances Removal Act. Clauses were contained in the Bill having reference to the registration of common lodging houses; and there was another provision of great importance, empowering the police, when sick persons were found in these common lodging houses, to remove them to hospitals. The 14th clause required reports from common lodging houses for beggars and vagrants. Those were the principal provisions of the Bill; and, if they were successfully carried into effect, many houses now beyond the reach of inspection would be brought under it, together with a great mass of population. Unless that population were placed in a position suitable for human beings and Christians, he was satisfied that no laws that could be passed would produce any permanent effect. It would be in vain to strive against juvenile delinquency if these common lodging houses were not brought under proper regulation; for it was in them that nine-tenths of the crime perpetrated were plotted. A great deal of good had already been done by previous legislation, and it was to prevent a relapse and to perfect that good that he now proposed the second reading of the present Bill.

Lord REDESDALE took objection to some particular provisions of the Bill, especially that which authorised the removal of persons suffering from infectious disease to workhouses, where there were many children and persons of infirm health; and to the very wide powers of inspection given. It would bring under the operation of the Act not only common lodging houses, but any premises occupied or let out in single rooms to persons receiving weekly wages. Assuming that some alterations might be made in the Bill in Committee, he would not oppose the second reading.

The Marquess of CLANRICARDE expressed doubts as to the applicability of the Bill to Ireland, and said that it would inflict a serious injury on the occupiers of small houses.

Lord BEAUMONT wished to have a definition of the term "common lodging houses." He thought inspection would be a benefit to a certain class of houses; but as all inspection of this kind was an infraction of the liberty of the subject, and of the English maxim that every man's house was his castle, it was desirable to confine it to lodging houses of a certain class.

Lord ST. LEONARDS thought the Bill would extend in a mischievous way to such cases as a cottage in the country, part of which was let out to labourers. Then, with regard to reports being required from the keepers of lodging houses for vagrants and beggars, it was hardly possible to expect such persons to make any reports.

The Duke of NEWCASTLE suggested that the noble Earl, the promoter of the Bill, should put himself in communication with the Poor Law Board, in reference to the provision empowering the removal of sick persons from common lodging houses in rural districts.

The Earl of SHAFTESBURY, having expressed his readiness to consider all objections in Committee,

Bill read 2^a.

GOVERNMENT OF INDIA.

The Earl of ALBEMARLE *presented* a petition from inhabitants of the city of Manchester, in public meeting assembled, praying that the future government of India in this country should consist of a Minister and a Council, appointed by the Crown, and directly responsible to the Imperial Parliament. The noble Earl said, that, from private sources, he had learnt that the petition contained the sentiments not only of Manchester, but of the great majority of the population in the neighbourhood; and therefore came from a district which—London not excepted—was more virtually interested than any other part of Her Majesty's dominions in the material wellbeing of the people of India. The petitioners prayed for a reform in the home government of India, and expressed their opinion that the existing Government had not developed the resources of that country, and had not provided for the welfare of the inhabitants; they therefore prayed that the existing form of government might be abolished, and that in its room a Government directly responsible to Parliament might be substituted. He did not venture to anticipate what might be the scheme of government which the present Administration had announced their intention to submit to Parliament; but he must declare his conviction that no scheme of government would meet with the approval of the public, unless the Government were made responsible, expeditious in the transaction of business, economical, and effectual. That the existing form of government possessed none of these properties was a fact upon which, he believed, all who had given any attention to the subject were agreed. He was aware that it had been contended by a writer of great ability, that the irresponsility of the existing Government was one of its chief merits, inasmuch as in consequence of it "a Radical seeking a victim might sometimes be at fault." Many instances, however, such as the affair of Baroda and others, might be cited to show that the injurious effects of this want of responsibility more than counterbalanced even the advantage which was to be gained by placing a Radical in search of a victim at fault. In the Baroda affair, the eighteen Directors differed in opinion from the President of the Board of Control; thirteen signed a protest, and that protest was afterwards published by the authority of Parliament. However, the President persisted, and ultimately a majority of the Court signed the order to which they had objected, and it was sent to India as their act, and as the expression of their sentiments. The petitioners thought that the government should be rendered more expeditious, and upon that point he thought there could be but one opinion. The delay arising from the perplexity of the double government, was an evil of the magnitude of which there could be no doubt. It took, generally, about six months to write a despatch; it took sometimes as many years to answer it; sometimes it was never answered at all. He wondered that the offices of Leadenhall-street and Cannon-row, spacious as they were, could contain all the long-winded Indian despatches, with all the duplicate and triplicate answers and other documents which had found their way there during the long period of seventy years. The noble Earl here quoted a passage from a recently published pamphlet of Dr. Buist upon this subject, in which he says—

> "Every step which a Governor General takes must be explained to the people at home; a copy of every letter he writes or receives, or minute he makes, must be sent to London; a detailed narrative of everything that is said, written, or done by the supreme or subordinate Governments must be forwarded home to be commented on or criticised by 'the clever clerks' of Cannon Row or Leadenhall Street, who hold the nominal rulers of India in the most absolute subjection to their pens. So frightful is the minuteness insisted on that it becomes physically impossible for these gentlemen to peruse the documents on which they are supposed to decide. The papers sent by the Cape occupy close on 200 folio volumes annually, of from 500 to 1,000 pages, and a single revenue despatch is quoted by a late President of the Board of Control as having 45,000 pages of accompaniments! The from-ship-to-ship despatches of the Bombay Government will annually print out to 60 volumes of 1,500 pages folio, or as much as would make 240 volumes 8vo. of ordinary-sized print!"

Then, as to the expense of the government in its present form; it was as costly as it was cumbrous. The home charges for salaries and contingencies were 172,695*l.*, and the buildings were valued at 500,000*l.* Besides the secretariat of the India House, there were no fewer than three secretariats—the general one, the military one, and the examiner's office. The general office, with 96 persons, cost, in 1852, 46,947*l.*; the military office had 26 persons, and cost 11,575*l.*; while the examiner's office contained 49 persons, and cost 21,586*l.* To this department had lately been added a statistical one, consisting of six persons, and costing 3,396*l.* Thus, at the India House, we had a writing establishment consisting of 179 persons, at the yearly cost in mere salaries of 82,404*l.* Adding to this the establishment at the India Board, of an unknown number of secretaries and clerks, costing 24,886*l.*, exclusive of the President, and the cost of the secretariat would come to the frightful sum of 107,290*l.* Here was an expenditure for mere writing which nearly doubled that of the three Imperial Secretariats of State (61,799*l.*) Another part of the question as regarded the financial government of India was the conduct of that Government, as agents upon the estate which had been under their management for seventy years. The accounts had been made up for sixty-seven years, and what did they show? In sixty-seven years 67,000,000*l.* had been added to the debt, being an average of 1,000,000*l.* annually. Of these 67,000,000*l.* about 20,000,000*l.* had been incurred since the renewal of the charter in 1833; and this was exclusive of the Burmese war, and of the expense attendant on the annexation of Pegu—a country that was not likely to pay its expenses for the next half century. The existence of this large debt might possibly without explanation be disputed. The Indian territorial debt was 50,000,000*l.*;

the stock of the East India Company was nominally 6,000,000*l.*, but, the interest being 10½ per cent, it was virtually 12,000,000*l.*; and the people of India were charged with an old commercial debt of the Company of about 5,000,000*l.*; the interest paid on these sums was not less than 3,000,000*l.* a year, or one-seventh part of the annual revenue of India, and it formed a first charge on the revenue of the country. The present form of government in India was framed seventy years ago, and for a totally different purpose from that to which it was at present applied, and could not be supposed to be fitted for the altered circumstances of both India and England. The East India Company were formerly a trading body, and were in possession of a monopoly of the whole trade of India, including within the term the whole trade between the east coast of Africa and the western coast of America. The East India Company had now ceased altogether to be a trading body, and had no more claim to India or to possessions in India than in any other part of Her Majesty's dominions—they had no more than a lien upon these territories for a comparatively small sum. During the past seventy years the population and commerce of India had vastly increased, and the present facilities of communication were such as could not be dreamt of in the early period to which he had referred. He asked, therefore—seeing all the circumstances were so different—why the Company should be reinvested with a power so preposterous as that which it possessed? In 1784 our exports to India amounted to 386,152*l.*; they were now 10,000,000*l.* The local trade of India in 1784 was a mere trifle, but the imports, exclusive of bullion, were now 35,000,000*l.*, and the exports were 32,000,000*l.* The petitioners also stated that the administration of justice had been, and still was, exceedingly defective. On this point there was such a unanimous concurrence of opinion that it might be disposed of in a few words. There was no code of laws in India, though a Commission was appointed for that purpose by the Act of 1833. The baffled attempts of the Commission to frame that code had cost 170,000*l.* Eight Judges of the Queen's Courts administered justice to the inhabitants of Calcutta, Madras, and the eastern settlements. Their jurisdiction was confined to a population under 2,000,000—Calcutta, 500,000; Madras, 600,000; Bombay, 600,000; Penang, Singapore, and Malacca, 250,0000; total, 1,950,000. For the remaining 98,000,000, there were 100 European Judges, not one of whom had received a judicial education. Then the nature and mode of taxation was most oppressive; and the petitioners pointed out the operation of the land tax. Sixty years ago the land tax was settled in perpetuity, and by that Act the property of the real proprietors of the soil—the peasant cultivators—was entirely confiscated, and made over to the Zemindars, an hereditary body of collectors, for no earthly reason that could be assigned, except that the name of their office signified in Persian—not in their own language—"landowner," thus causing, as Sir H. Strachey said, "a greater revolution in the property of land than the invasion of foreign barbarians could have effected in the same time." This was the act of a benevolent man, the Marquess Cornwallis, and was done with the best intentions, though in utter ignorance of the tenure upon which land was held in India. The portion of the rent which the State claimed as their share amounted to 18*s.* in the pound, or nine-tenths of the rent; and having stated that, it was superfluous to say that in ten years the new landholders had disappeared, the greater portion of them being reduced to bankruptcy. To show the practical effect of this rackrenting system, he would call attention to the condition of the land revenue in the different provinces in the four years ending 1849–50, compared with the four years ending 1845–46. In Bengal, the falling off, in 1849–50, was 34,761*l.*; in Agra, the falling off was 325,163*l.*; in Bombay, the falling off was 14,726*l.*; and in Madras there was an increase of 242,130*l.*: but this increase in Madras was due to lapses and resumptions, quite independent of the ordinary land revenue of the Presidency. The petitioners next complained that the progress of the people in industry had been retarded. His noble Friend who was formerly Governor General of India (the Earl of Ellenborough), had stated, that we had in India "the noblest of soldiers, and the meanest of administrators." By these soldiers it was true that the people of India had been protected from foreign invasion, and in consequence of that protection they had greatly increased in numbers; but he was afraid that, while wages were just what they were seventy years ago, by maladministration, and from the want of a proper development of its resources, by these "meanest of administrators," the country was in a worse condition than before. According to the returns of population furnished from the East India House, the present population of our old provinces of Bengal, Behar, and Orissa, was 36,848,981—or about one-third more than that of the United Kingdom. This was very unequally distributed, for in some districts the rate per square mile was (Hooghly) 723; in another (Burdwan), no less than 833; while in a third (Chittagong), it was as low as 132. The average of the whole, however, gave a population per square mile of 330, which was one-third greater than that of the United Kingdom —namely, 216. He believed that the wages of rural labour were at present what they were seventy years ago—from 2*d.* to 3*d.* a-day, and that the price of rice and other bread corn, as well as salt, the main sustenance of the people, had risen, not fallen, and at best had continued stationary. He would read what he considered, from his own personal observation, to be an authentic statement of the condition of the peasantry of the richest part of India— the provinces just alluded to. It was from a periodical work published at Calcutta— the *Calcutta Review*, of which the conductor was commonly understood to be the author of an able and instructive work on our expedition to Affghanistan, which had been so generally read in this country :—

> "To whatever part of Bengal we may go, the ryot will 'be found to live all his days on rice, and to go covered with a slight cotton cloth.' The profits which he makes are consumed in some way or other. The demands upon him are almost endless, and he must meet them one by one. This prevents the creation of capital, and prolongs the longevity of the Mahajani (or usurious or money-lending) system. The districts of Bengal are noted for fertility and exuberance of crops; and if the ryots could enjoy freedom and security, the country would exhibit a cheering spectacle. But their present condition is miserable, and appears to rouse no fellow-feeling, no sympathy, in those by whom they are surrounded. The monthly expense of a ryot is 1½ to 3 rupees; and if he has a family it must be proportionately higher. We do not believe that there are in all the districts five in every hundred whose whole annual profits exceed 100 rupees! (10*l.*) In many instances the earnings of a ryot are not sufficient for his family; and his wife and sons are obliged to betake themselves to some pursuit, and assist him with all they can get. He lives generally upon coarse rice and *dholl* (pulse); vegetables and fish would be luxuries. His dress consists of a bit of rag and a slender *chudder* (sheet); his bed is composed of a coarse mat and a pillow; his habitation a thatched roof; and his property a plough, two bullocks, one or two *lotahs* (brass pots), and some *bijdhan.* He toils 'from morn to noon, from noon to dewy eve;' and, despite this, he is a haggard, poverty-smitten, wretched creature. This is no exaggeration; even in ordinary seasons, and under ordinary circumstances, the ryots may often be seen fasting for days and nights for want of food. The inability of the ryot to better his degraded condition, in which he has been placed by the causes we have named, is increased by his mental debasement. Unprotected, harassed, and oppressed, he has been precluded from the genial rays of intellectuality. His mind is veiled in a thick gloom of ignorance."

The Earl of Albemarle

Thus far as regarded Bengal. The condition of the Madras peasant was faithfully portrayed in a petition presented some time ago by the noble Earl near him (the Earl of Ellenborough), from which he would take the liberty of reading a passage :—

> "The unwillingness of the Company and the local Government to expend money on the construction of roads requisite for the interchange of traffic from province to province, and from the interior to the shipping ports along the coast, would be incredible if it were not a notorious and substantiable fact; and it is still worse that they should pretend the ryots ought to make them at their own expense, for, pressed down as they are by a heavy load of taxes, which renders them too poor to purchase company's salt for their miserable food of boiled rice and vegetables—the latter too frequently wild herbs, the spontaneous produce of the uncultivated earth; unable to supply themselves with clothes, beyond a piece of coarse cotton fabric, worth 2*s.*, once in a twelvemonth, it is impossible for them to find the means or time for roadmaking gratis, even if they possessed the skill requisite for the purpose; and your petitioners submit that it is the bounden duty of the State which reduces them to their miserable condition, and keeps them in it from charter to charter, to spend a far larger portion of the revenue upon the improvement of the country whence they are derived than it does at present."

He happened to have in his possession two letters confirmatory of the statements contained in the petition from which he had just quoted. The letters were written by two thoroughly educated native gentlemen, who were capable of giving expression to their ideas in as correct language as could be employed by any of their Lordships. The first of these gentlemen, Lutchmenarusee Chuttyan, wrote as follows, under the date of Madras, January 24, 1853:—

> "If a commission could be obtained to take information in this country, all the more glaring complaints could be fully substantiated. We have tried to avoid exaggeration in our statements, but the evils alluded to are so great that nothing will convince people in Europe of their truth except the establishment of such commission."

The second gentleman (Ramma Sawmy-a-Cherry), writing from Madras on the 26th of January, 1853, expressed himself thus:—

> "The committee are of opinion that, could Parliament be prevailed upon to send out a commission to India, much good would arise therefrom; and they assure you, in such case, they will undertake to prove more than they have brought forward in the petition sent to you by last mail, which they hope has reached you ere this; and that you have had sufficient time to form an opinion of its contents, as to whether it contains exaggerated statements or plain facts capable of standing the fullest investigation."

The petitioners stated that the public works in India were very inadequate for the purpose of communication by means of roads and navigation. Avoiding as much as possible travelling over ground which had been already trodden in the course of these discussions, he would now direct the attention of their Lordships to the state of railway communication in India. In Bengal private persons had embarked 1,000,000*l.* sterling for the construction of a railroad of 116 miles in length, which it was expected would be open in the course of the present month. In Bombay 500,000*l.* had been subscribed, and it was expected that 25 miles of railway would be completed in the course of the year. Now, this state of things might be contrasted with the railways of the Spanish island of Cuba, of which the area was but 43,412 miles, or about 1-30th part of the area of India, and containing 1-100th part of its population. Cuba possessed at present many railways, chiefly for the conveyance of goods. One of these, that of Cardenas, was 66 miles in length, the cost two million two hundred thousand dollars, which, in the first year, yielded eighteen thousand dollars, or 8 per cent. The deplorable effects resulting from the want of good means of internal communication were strikingly displayed in a circular of Messrs. Ritchie and Stuart, referring to the province of Kandeish. The circular said—

> "The report of Captain Wingate, to which we allude, has reference to a contemplated survey and reassessment of the province of Candeish, which is contiguous to Berar. The vast importance of this measure will be judged of from the following statistics, which we extract from the report, and which will probably not be deemed out of place here, nor fail to be of interest, as showing how truly our trade with the interior may be said to be yet in its infancy. The whole province of Candeish contains 12,078 square miles, of which it is estimated that the arable portion is 9,772. Of this arable area 1,413 square miles are cultivated, and 8,359 are lying waste. The population of the whole province was 785,991, according to a census taken in 1851. The number of villages in the whole province is 3,837, of which 1,079 are now uninhabited. The soil of Candeish is stated to be superior in fertility to, and yields heavier crops than, that of the Deccan and southern Mahratta country. Although so much of the country now lies in waste, the traces of a former industry are to be seen in the mango and tamarind trees, and the many ruined wells which are still to be met with in the neighbourhood of almost every village. Of the five-sixths of the arable land, the 5,000,000 of square acres now lying waste, Captain Wingate further remarks, nearly the whole is comparatively fertile, and suitable to the growth of exportable products, such as cotton, oil-seeds, &c."

Now, let us see how the Government of India deals with the province. On the 30th of July, 1850, the Governor of Bombay appointed Mr. Haddock first assistant. This gentleman entered the Company's service in January, 1847, and consequently his experience of India affairs did not extend beyond a period of three years and a half. The second assistant, Mr. Doyley, appointed on the same day as Mr. Haddock, commenced his Indian career on the 27th of September, 1848, and, consequently, had the advantage of about fourteen months' knowledge of the country. Here then were two young gentlemen who had scarcely attained their majority placed in the uncontrolled charge of a district about a third of the size of the kingdom of Scotland. Their Lordships would, he was sure, be edified by the description of a journey from Bombay to Agra, undertaken in the early part of this year by an American traveller of the name of Taylor. The description was given by the adventurous traveller himself:—

> "I left Bombay on the evening of the 3rd in the banghy cart which carries the mail as far as Dhoolia (whence it is despatched on horseback), and thence proceeds with the heavier packages to Indore. The fare is four annas per mile. The cart is merely a box on wheels, and can only accommodate one traveller at a time. For the greater part of the way to Dhoolia the road is tolerably good. The ascent to the Toll (Tull) Ghaut, in particular, is a splendid piece of engineering. Nevertheless, we did not average five miles an hour, since, though travelling day and night, with two brief halts, which the driver allowed me for meals, we did not reach Dhoolia, 215 miles from Bombay, until one o'clock on the morning of the 6th. Beyond Dhoolia my trials commenced. There is merely a cart road, and the soil, which is a rich black loam, is terribly cut up by the wheels during the rains, and was now baked into permanent roughness. We had such heavy seas to encounter, that we made three knots an hour with difficulty; and, after labour-

ing along for twenty miles in this manner, the vessel foundered. In other words, the axle snapped in twain, and I was pitched into the road. I took my seat in the jungle for three hours, at the end of which time a bullock-cart was procured, in which I was conveyed to Seerpore. At Seerpore I was detained eighteen hours, waiting for the broken axle to be mended. This was done so skilfully, that, after proceeding five miles from that place it snapped again, and I was again pitched into the road. Another halt in the jungle succeeded, and towards evening a second cart was procured, in which I reached Palasneh about midnight, having made sixteen miles that day. The new cart was a hopeless cripple, and the box in which I sat had such a pitch forward that it was necessary to hold fast with both hands. The whole trip from Bombay was made in twelve days, but in only seven days' travelling time. I must confess, however, that my limbs were somewhat bruised, and my skin worn threadbare in various places. A little expense and attention directed to this route would greatly increase the comfort and safety of the traveller, and facilitate the communication between Bombay and the North-West Provinces."

Compare Mr. Taylor's account of the roads in our own territories with that given by Mr. Jukes, naturalist of the Queen's surveying ship *Fly*, of the roads in Java. Mr. Jukes visited Java in 1844, and gave this account of his experience there:—

"We had four good little horses (from Batavia), and proceeded with considerable rapidity along an excellent level road, broad and hard, raised two or three feet above the level of the country, with an inferior road at the side for carts and waggons. The posthouses are each about six miles apart. At each is a large shed, stretching completely across the road, to shelter travellers from the sun while changing horses."

A similar account was given in *Gerstacker's Five Years' Journey Round the World*:—

"Saturday, the 15th of November, 1851, the mail-coach for Buitenzorg started at 6 a.m. Four small but lively horses carried the easy and comfortable coach towards Buitenzorg, along the smooth, even road, through a perfect paradise of gardens and flowers. We were taken along at the rate of nine knots an hour, reaching Buitenzorg, 39 paalen or miles distant, towards 10 o'clock. The post road through Java is equal to the best of the kind I have ever seen in Germany, and seems to have been made in spite of a great many difficulties."—Vol. iii. pp. 197 to 199.

The native rulers of India had uniformly recognised the importance of irrigation and the means of internal communication, and expended great sums of money in public works for the attainment of those objects. In the reign of Edward I., when England did not possess a single canal—when there were no roads except in the immediate neighbourhood of the capitals—when its agriculture was in the rudest state, and when the scanty population of the island did not raise sufficient food for its support—at that time Feroze Toghlak, in India, built 50 dams across rivers to promote navigation, erected 40 mosques, 30 colleges, 100 caravanserais, 30 reservoirs for irrigation, 100 hospitals, 100 public baths, and 150 bridges. At the time when the eastern monarchs were expending their resources in works of national utility—as, for example, in the reign of Acbar, the contemporary of our Elizabeth—the funds of the English Exchequer flowed into the pockets of individuals in the form of monopolies. Need he remind their Lordships of the bridge monopoly of the Earl of Oxford, the sweet wine monopoly of Sir Walter Raleigh, and the monopoly of gold and silver thread by Sir Giles Montpesson, the original of Sir Giles Overreach? To descend a little lower—while Charles I. was besieging his reluctant Commons for money to pay armies to be employed against themselves, Shah Jehan was paying his army out of the net profits of his canals. He could not avoid troubling their Lordships with one quotation more, which depicted the terrible consequences resulting from the neglect of public works by the Indian Government:—

"Famines occurring almost decennially, some of which within our time, have swept their millions. In 1833 50,000 persons perished in the month of September in Lucknow; at Khanpoor 1,200 died of want, and half a million sterling was subscribed by the bountiful to relieve the destitute; in Guntoor 250,000 human beings, 74,000 bullocks, 159,000 milch cattle, and 300,000 sheep and goats died of starvation; 50,000 people perished in Marwar; and in the north-west provinces half a million of human lives are supposed to have been lost. The living preyed upon the dead; mothers devoured their children, and the human imagination could scarcely picture the scenes of horror that pervaded the land. In 20 months' time a million and a half of people must have died of hunger, or of its immediate consequences. The direct pecuniary loss occasioned to Government by this single visitation exceeded 5,000,000*l.* sterling—a sum which would have gone far to avert the calamity, from which it arose, had it been expended in constructing thoroughfares to connect the interior with the sea coast, or districts where scarcity prevailed, with those where human food was to be had in abundance, or on canals to bear forth to the soil, thirsty and barren for want of moisture, the unbounded supplies our rivers carry to the ocean."

One word more, and he had done. If we needs must precipitately, and because precipitately ignorantly, legislate for British India, at least let us not foreclose this question. Let us not, as heretofore, grant another 20 years' lease of this vast farm, with its 100,000,000 head of human live stock; let us bear in mind that our Indian fellow subjects had rights as dear and as clear as our own; and let us not treat them as the mere *adscripti glebœ* of a Russian or Polish estate.

The Earl of ELLENBOROUGH said, he had so often received their Lordships' indulgence in speaking upon the subject of India during the present Session, that he would not now trespass upon their attention for more than a few moments. He thought it right, however, to say a few words with respect to this petition, which was certainly one of great importance, coming as it did from so influential a body as the citizens of Manchester. He received such recruits to the good cause of Indian reform with great satisfaction. A striking change had certainly taken place in public opinion during the last fourteen months with respect to Indian government. The conclusions at which public opinion seemed to have arrived, had always been his conclusions. He had stated them when he had been examined before the Committee of the House of Commons—namely, that it would be desirable altogether to disconnect the East India Company from the Government of India, and to carry on that Government under the name and with the full authority of the Crown, by means of a President and a Council nominated by the Crown. That was the plan which he had recommended, and which he thought would tend to improve the Government of India, and to bestow greater happiness upon the Indian people. When he first spoke on the subject last year, he had not ventured to state the whole extent to which he was prepared to go, as he thought he should not receive sufficient support if he did so; but before the Committee it was his duty to open all his mind. His views were now stated to their full extent by the citizens of the most enlightened and—excepting the metropolis—the most populous city in England; but while he agreed generally with the conclusions of the petitioners, he thought it necessary to make one or two observations upon the statements from which those conclusions were drawn. He thought there was much exaggeration and misunderstanding in some of the statements in the petition. The petitioners stated that India had been left by its present Government in a state of extreme misery, which was utterly disgraceful to its rulers. Whatever might be the defects in the form of the Government and in the internal administration of India, it would be most disgraceful if any country, administered, as India was, by a great body of enlightened English gentlemen, should be left in a state of extreme misery. But that which was considered misery in England, particularly at Manchester, was not, perhaps, considered misery in India. The people of that country took a different view from ourselves of the comforts necessary to existence. He had little doubt that at Manchester it was considered essential to a man's comfort that he should eat a great deal, and be extremely well clothed; but in India the less a man eat and the fewer clothes he had on, the better for him. They were told by a great moralist that all a man required was meat, clothes, and fire; but, in general, the people of India did not eat meat, they wore few or no clothes, and only required fire for about half-an-hour in the day, for the purpose of cooking. Their wants were therefore extremely small compared with those of the gentlemen who resided at Manchester. He recollected the late Duke of Wellington saying to him that the only distinction between the rich and the poor man was, that the rich man was more cleanly and much warmer than the poor man. The Indian people had nothing to complain of in the matter of warmth, and, as far as his observation and knowledge went, they were more cleanly than the great majority of the middle classes of this country. The petitioners stated that under the British Government the progress of the people in industry and wealth had been retarded. When any of our provinces in India had come under their dominion, he apprehended that none of them could be considered to be in a state of progress; at best, they were in a stationary state. But the larger portion of those provinces when we had received them under our dominion were in a state of absolute desolation—a necessary consequence of the wars in which they had been engaged. Even in those provinces which were at that time in a comparatively prosperous state, a large extent of land had since been brought under cultivation; and in countries which were then in a state of desolation, there had been considerable progress, and great improvements had been effected in the condition of the people.

This might certainly have arisen more out of the peaceful state of the country, and the extinction of the Mahratta power, than the co-operation of the Government. It was also said—and he regretted to say he had no doubt it was perfectly true—that the administration of justice in India was most defective. The law itself was defective, the judges were defective, and the police was defective. There were many natural causes for the defects in the administration of justice, which it was most desirable that Parliament should endeavour to remove; but he confessed his apprehension that, even under the most enlightened native Government, it would be extremely difficult to establish such an administration of justice in India as would satisfy the demands of the people of this country. He trusted that whatever could be done would be done, and he did not doubt that a great improvement would be effected. The petitioners next said that the whole of the taxation of India was oppressive. The chief method of taxation in the East had always been the taxation of the land; to which we, following the example of our predecessors, had adhered : — but there could be no doubt that in our desire to make improvements, we had, without a sufficient knowledge of the tenure of the land and the rights of individuals made great changes and done great wrong, and, by the general system of our revenue administration, gone far to destroy the higher classes of that country. We had altogether altered the state of society and the tenure of property. But, at the same time, although we had done this in ignorance, and in consequence of a want of consideration, still great improvements had been effected within the last twenty or thirty years. Before that time every description of oppressive mode of taxation had been in practice, and money had been extorted from the people by those who were in the service of the Government. Many of these abuses had been already removed. In 1835, he had urged in the strongest manner the immediate and total abolition of the transit duties throughout the whole of India. He had, in 1843, struck off 160 taxes by a single clause in one day. Then it was stated in the petition that the public works had been inadequate to the great purposes of irrigation, navigation, and communication. It was perfectly true that the roads were inadequate to the purpose of communication. As regarded navigation there was something to be considered. For the purpose of forming canals for navigation it was necessary to have a constant flow of water, not in great quantities but nearly uniform, and this could hardly be found in any part of India. Although it might be obtained for the purpose of irrigation, it was not generally distributed over the country in such a manner as to make it possible to construct canals for navigation. He had expressed a doubt as to the expediency of making the Ganges Canal, dreading its effects upon the health of the inhabitants of its banks, and also its effect upon the navigation of the river above Allahabad. He had required that, if it were made, the surplus water only should be used for irrigation. There were also some points to be considered with regard to irrigation. If the Government undertook works of irrigation it could charge a considerable rent for the use of the water, and although the Government might make a great deal by irrigation, the people might not, as the increased value of the land would increase the amount of rent they would have to pay. Another point of importance was to be considered. It was, that wherever a canal was constructed, the universal result was the prevalence of malaria along its banks. He had inquired most carefully, and had found this to be the case along the whole line of the Jumna canal. At one point the sickness had become so great that it had been found necessary to remove all the troops ; and during some months in the year the troops had been completely paralysed by the malaria that prevailed. He never heard that irrigation proceeding from tanks, which were, in fact, large lakes, caused the same injury as irrigation by means of canals. He thought it right to state these things; and though he entirely agreed in the conclusion to which the petitioners had come, he must say that some of their statements had been made without sufficient inquiry into the facts of the case, and without sufficient knowledge of the question. As to the general question he would say nothing. He trusted that in a few days, or at least in a very few weeks, his noble Friend opposite (the Earl of Aberdeen) would be enabled to place before them the plan of the present Administration for the future government of India. He thought his noble Friend was in a most fortunate and happy position. The change which had taken place in public opinion in this country enabled him, without the slightest apprehension of being met by any party feeling, to propose to Parliament, with the certainty of its being adopted, every reform which could be supported by reason and argument. Sir Robert Peel once told him that he thought the East India Company were stronger than the Government; but however true that might have been formerly, he was quite sure it was not so now, and therefore his noble Friend might, without the slightest difficulty, venture to propose everything which he thought right. He had heard the late Duke of Wellington use more than once the expression, "Let us take care to be in the right." Now, let his noble Friend take care to be in the right, and he might depend upon it that he would be able to carry the measures which he proposed. He trusted his noble Friend would take a large view of this great question—that he would not be content with confining his consideration to the present, but would look to futurity, and endeavour, so far as in him lay, with the assistance of Parliament, to establish a foundation for the permanent improvement of a great and powerful empire.

LORD WHARNCLIFFE said, he saw no reason why any attempt to legislate on India in the present Session must be premature. Her Majesty's Government had nothing to do but to take care that the Bill that they proposed for the government of India, should be such as should be effectual for the purpose. The noble Earl on the cross benches expressed a hope that Her Majesty's Government would not legislate on this subject ignorantly, and, because ignorantly, precipitately. It was, undoubtedly, much to be wished that Her Majesty's Government should abstain from legislating ignorantly and precipitately on any subject; but, for his part, he saw no reason why, if they legislated this Session, they must necessarily legislate ignorantly or precipitately. It seemed to be assumed by all who found fault with Her Majesty's Government legislating in the present Session, that they must necessarily, in any legislation they proposed, embrace the whole extent of those questions which affected the government of India; and that therefore they had not at present sufficient information to enable them to legislate satisfactorily. But in his view this was a total misapprehension of the actual state of the question. If they looked to the matters which were brought before the notice of Parliament, and of the Committees, it would be easily seen that there was but a small portion of them that could be made the subject of legislation in the Imperial Parliament. The inquiry before the Committees had led to an unanimous conclusion, for instance, with regard to the judicial system in India; but when they looked to that, to the financial system and the revenue, and the several branches of the subject, they would find that there was but a small portion of these matters with which it would be possible to deal by Imperial legislation. What the Government had to do was this—with the evidence that was now before them, to provide an efficient form and frame of government in order to deal with those questions after it was established. If they accomplished that—if they brought in a Bill, going no further in the present instance than establishing a satisfactory and efficient form of government for the Indian department—most of these questions would be more satisfactorily disposed of by the agency and assistance of that department than they could possibly be without. There was one other point to which he would allude—the public works. It had been said that in all probability the increased amount of the exactions of the Government would go far to absorb the benefits that would be conferred on the country by the construction of public works; but the evidence on this subject removed any doubt as to those works being remunerative when they had been well executed. In one instance that had been alluded to, that of Tanjore, the annual expense of the works was not more than from 6,000*l.* to 8,000*l.* a year; and the revenue had been increased by them 170,000*l.* a year; while, at the same time, any one who knew the district, knew very well that it was the garden of Southern India. There could be no question that in most of these instances, although to the greatest extent perhaps in that particular case, there had been a profit derived to the Government of not less than 200 per cent. There were numberless cases in which from 20 to 60 per cent might be gained by Government by a little outlay; and that being the case, he could not conceive why Government should not execute more of these works, borrowing money, if necessary, for the purpose, which they could obtain for 4 or 5 per cent.

Petition *referred* to the Select Committee on the Government of Indian Territories.

TRANSPORTATION.

The EARL of GLENGALL asked the noble Duke the Secretary for the Colonies what had been done with the convicts sentenced to transportation in Ireland, since the Government had ceased to send convicts to Van Diemen's Land?

The DUKE of NEWCASTLE said, that the objection which had been made by a noble Earl (Earl Grey) on a previous night to the course adopted by Her Majesty's Government, did not apply to Ireland, for it so happened that, although there was an accumulation of convicts in England in consequence of the new rule not to send any more convicts to Van Diemen's Land, as regarded Ireland, two vessels had been sent to convey convicts, not to Van Diemen's Land, but to Western Australia. Since the commencement of the present year, as large a number of convicts had been sent from Ireland as if transportation to Van Diemen's Land had not been stopped.

The MARQUESS of CLANRICARDE asked whether all those convicts under transportation in Ireland were really to be sent out to a foreign country? He also wished to know whether, up to this time, any of those convicts had been detained, who it was originally intended should be sent out of the country: and whether the Government intended to improve the prison accommodation in Ireland?

The DUKE of NEWCASTLE thought that the answer he had already given was sufficiently satisfactory upon this point. He was not officially responsible for the gaol accommodation in Ireland; but it was not deemed necessary to investigate this subject with a view of laying down any such rules as were adverted to the other night. The noble Viscount at the head of the Home Department (Viscount Palmerston) and he (the Duke of Newcastle), having heard that the prison accommodation of Ireland was not so good as it was in this country, felt that it would be much more convenient that the convicts who were to have been sent out under the new regulations should be detained in this country rather than in Ireland.

MERCANTILE MARINE.

LORD REDESDALE having moved, on behalf of the Earl of Waldegrave, for Returns of the number of Apprentices bound to the Sea Service in the several years 1848 to 1852,

LORD STANLEY OF ALDERLEY would avail himself of that opportunity to advert to an inquiry that had been made on a former occasion by a noble Earl opposite (the Earl of Ellenborough) with reference to the number of sailors employed in the coasting trade. He would remind the noble Earl that a great number of sailors had proceeded to Australia, where a large amount of wages was to be obtained for conveying vessels back to this country, and any diminution of the number of sailors in the home trade might be attributed to the great increase of emigration. It would be satisfactory to their Lordships to know that the number of vessels engaged in the coal trade between the ports of the Tyne and Wear and the port of London, so far from having diminished, had increased. He begged to call their Lordships' attention to returns showing that there was a considerable increase, both of vessels and tonnage, in 1852, as compared with 1851, and the increase had been going on during the first three months of the present year. It should be recollected that steam navigation had in many cases superseded the ordinary kind of vessels; and, as a steam vessel could make more than one voyage while a sailing vessel was making one, it therefore served to represent a greater amount of trade than a sailing vessel. He thought the information which he had given would answer the object of the noble Earl; but if he desired to have a return of the comparative number, both of ships and men, that go to Australia and return therefrom, as soon as it could be effected it would be laid before their Lordships.

The EARL of ELLENBOROUGH would remind the noble Lord that his remarks had reference solely to navigation, and had no reference whatever to trade. He had no doubt of the improvement of trade, but as regarded navigation, he conceived there was a falling off in the number of men employed.

LORD STANLEY OF ALDERLEY begged further to observe, that a great number of British sailors who had deserted from their ships were now gradually returning to this country, where the rate of wages had risen beyond what it was in America.

CATHEDRAL APPOINTMENTS BILL.

Order of the Day for resuming the Adjourned Debate on the Third Reading of the Cathedral Appointments Bill, read. Debate resumed accordingly.

VISCOUNT CANNING reminded their Lordships that the object of this Bill was to render certain appointments connected with cathedrals subject to any laws which, at the close of the Capitular Commission, and in accordance with the report of that Commission, might be thought proper. The measure was entirely precautionary in its nature, and auxiliary to the working out of the object of that Commission. As the Bill at present stood, the appointments so dealt with were "any benefices with or without the cure of souls." It was proposed by the right rev. Prelate (the Archbishop of Canterbury) to omit those words, and the objections upon which he based that proposition were founded partly upon the apprehension that any parish or cure subject to the provisions of this Bill would suffer some injury in its revenue, and also that the individual interest of members of chapters might render them indisposed to make any changes in the benefices held by them, although those changes might be of advantage to the benefices themselves. It was impossible not to admit the force of these objections, which acquired an additional force in consideration of the high quarter from which they proceeded; but, in considering them, it appeared to the Government that the inconvenience apprehended by the right rev. Prelate was not so great as would arise from the omission of the words to which the most rev. Prelate objected. The Bill was merely a temporary one, and though he admitted, as far as precedent was concerned, the Bill was an exceptional one, it would only be in force, he hoped, a few months, and he therefore trusted their Lordships would assent to the third reading.

The ARCHBISHOP of CANTERBURY said, that, though he was still of opinion that the Amendment which it had been his intention to propose would have prevented more inconvenience than was likely to arise from the clause as it now stood, yet, after the explanation offered by the noble Lord, he did not feel himself justified in pressing his Amendment.

The BISHOP of OXFORD proposed the insertion of clauses of which he had given notice, and to which he stated no objection appeared to be entertained by any part of their Lordships' House. They were in accordance with the principles of the rest of the Act, and were intended to prevent any appropriation of chapter property which would make it impossible to carry out the recommendations of the Commission.

On Question, that the Bill be now read 3ª, *Resolved* in the *Affirmative.*

Bill read 3ª accordingly, with the Amendments; further Amendments made: Bill *passed,* and sent to the Commons.

House adjourned to Monday, the 23rd instant.

HOUSE OF COMMONS,

Friday, May 13, 1853.

MINUTES.] NEW WRIT.—For Rye, *v.* William Alexander Mackinnon, Esq., void Election.
PUBLIC BILLS. — 1° Income Tax; Customs Duties on Spirits.
2° Expenses of Elections.

PUBLIC BUSINESS.

VISCOUNT PALMERSTON having moved that the House on its rising should adjourn till Thursday next,

MR. DISRAELI said, perhaps the noble Lord would inform the House as to the course of public business next week. It would be very convenient if they could know what business was to be taken on Thursday and Friday next.

The CHANCELLOR OF THE EXCHEQUER: That, of course, must in some degree depend upon the progress made tonight. The House should understand that the great object of the Government at the present moment is to press forward the financial business; not, of course, without due consideration, but so as not to allow other business to interfere with its progress. Among the financial business, that which is the most important is the Bill for the renewal of the income tax up to the point of passing through the Committee on the Bill. What I propose is, to report the Resolution to which the Committee of Ways and Means came with reference to the income tax immediately. An hon. and learned Gentleman has given notice of a Motion with reference to exemptions from the income tax under a certain rate; but I have received an intimation from him that he will be disposed to make that Motion where, in point of fact, it would be most properly and regularly made—in Committee on the Bill. That being so, it will be perfectly practicable for me to bring in the Bill this evening, and to circulate it to-morrow morning. Under these circumstances, I hope that the House will be disposed to take the second reading of that Bill upon

Thursday in next week, or, if not, upon Friday; at any rate, keeping in view the object of going into Committee upon the Bill at the earliest possible moment, and getting through without delay. I have spoken so far under the expectation that the Legacy Duty Resolution will be proceeded with immediately after we have reported the Income Tax Resolution; and I hope that will be to-night. Then, between the present time and going into Committee upon the income tax, the only business connected with finance likely to lead to a discussion will be the second reading of the Spirit Duties Bill.

Mr. DISRAELI: As the order is somewhat changed, I think it would be extremely inconvenient that we should have the second reading of the Income and Property Tax Bill on Thursday next. I should remind Her Majesty's Ministers that the noble Lord the Member for the City of London promised that before the Whitsuntide holidays he would announce the day upon which the statement would be made with reference to the future administration of the Indian Empire. It would be convenient that we should be informed of that, especially as the promise has been made.

The CHANCELLOR of the EXCHEQUER: In what I said with respect to the second reading of the Income Tax Bill and the Spirit Duties Bill, I proceeded upon the assumption that it was doubtful whether the second reading of the Spirit Duties Bill would occupy the whole evening. As to the Income Tax Bill, if hon. Gentlemen prefer Friday in next week to Thursday, I have no objection to accede to that. But I am in the hope and expectation that there will be no objection to go into Committee upon the Income Tax Bill upon the following Monday, provided it be, as I have promised that it shall be, printed and circulated at once.

Mr. DISRAELI: I think, if the right hon. Gentleman could fix the second reading of the Income Tax Bill for Monday, and could fill up the interval with other business, it would be much the more convenient course.

The CHANCELLOR of the EXCHEQUER: I am extremely sorry that, in the state of the public business, it will be impossible for the Government to accede to that proposition.

Mr. MILNER GIBSON said, he must beg to ask a question in reference to the Orders of the House, relative to the course in which business was to be taken on the Thursdays. By a Standing Order, passed at the beginning of every Session, it was stated that "the Orders of the Day shall be disposed of in the order in which they stand on the paper, the right being reserved to Her Majesty's Ministers of placing Government orders at the head of the list, in the rotation in which they are to be taken upon the days on which Government Bills have precedence." He wished to ask Mr. Speaker where was the authority for Government Bills having precedence upon a Thursday? He believed that by ancient usage they had precedence upon Mondays and Fridays, and that upon those days, therefore, the Government might place their own orders at the head of the list. The House had passed an order recently that upon Thursdays the Orders of the Day should take precedence of Motions; but he was not aware that they went further, or that the Government should have the power of placing their orders in precedence of the other orders. He asked this question with the view of guiding his own course with respect to the County Rates Expenditure Bill. He saw nothing in the words of the orders which precluded him from asking the House to consider that Bill in its turn upon a Thursday. He begged to submit this question for the opinion of Mr. Speaker.

Mr. SPEAKER: The right hon. Gentleman having been good enough to give me notice of his question, I will endeavour to state precisely what has been the usage of the House in this respect. The order is as the right hon. Gentleman has quoted it, and there is nothing in that order which states that the Government business shall have precedence. On Thursdays I can, therefore, only interpret the Order by the usage and practice of the House in this respect. The rule was first made in 1848, since which it has been renewed every Session until last Session, when, from being a Sessional Order, it was converted into a Standing Order. In 1850 I find there were several Motions made giving Orders of the Day precedence upon alternate Thursdays, without giving priority to the Bills introduced by the Government. The Government have been in the habit of claiming precedence for their own orders on Thursdays whenever the Orders of the Day have precedence, except in cases where the contrary has been expressed to be the intention of the House. Under these circumstances, merely interpreting the usage of the House by its own practice, I think, that unless a special exception is made, the Government Orders are entitled to precedence whenever the House has decided that Orders of the Day shall have precedence over notices of Motions on other days than Mondays, Thursdays, and Fridays.

Mr. MILNER GIBSON said, he would beg to remark, with all respect, that if the Government were entitled to priority on Thursdays, unless shut out by special enactment, they would by the same rule be entitled to priority on Wednesdays. He, of course, knew what the understanding on the matter was, and he had no wish to interfere with any understanding that had been come to; but he respectfully submitted that if the House intended, not only that Orders of the Day should have precedence over Motions, but that Government should also have precedence, they had better say so by a distinct Resolution, in order that there might be no mistake; because, if the doctrine were to be held, that unless they barred the claim of Government to priority, the Government would necessarily have precedence, the result would be that Government would practically have the priority on Mondays, Wednesdays, and Thursdays, and there would actually be left no possible day for an independent Member to conduct a Bill through the House.

Mr. SPEAKER: I beg to remind the right hon. Gentleman, that, long before the rule was enacted to which I have referred, Wednesday was always considered a Supply day; and it has been only of late years that it has been given up to the consideration of Bills brought in by Members unconnected with the Government.

Mr. MILNER GIBSON said, that inasmuch as there was great doubt what public business would come on on Thursday, and inasmuch as he had a strong *primâ facie* claim for that evening, he wished to ask if the Government had any objection to allow his Bill to be then proceeded with?

Viscount PALMERSTON: I beg to remind the House that when my noble Friend (Lord John Russell) moved that Orders of the Day should have precedence on Thursdays, he stated distinctly that his object was to give an opportunity to the Government for carrying on the business of the country, and I do not conceive that in the House at large there was any misunderstanding with respect to that point. With regard to the question of my right hon. Friend, I am afraid he will not persuade the Chancellor of the Exchequer to give way to him on Thursday next.

Sir FITZROY KELLY said, that the answer which the noble Lord had just given only expressed the general sentiment which was pervading the House on the subject. At the same time, if there was no important Government business coming on on Thursday next, it would only be an act of justice to the right hon. Member for Manchester (Mr. M. Gibson), as well as some convenience to the House, to enable the County Rate Bill to come on that evening.

The CHANCELLOR of the EXCHEQUER said, it was understood that the second reading of the Income Tax Bill stood fixed for this day week. They were now in this condition: they had to-night and next Thursday to dispose of. The right hon. Member for Manchester (Mr. M. Gibson) asked for a night to enable him to proceed with the County Rates Expenditure Bill. [Mr. M. Gibson: Part of a night.] It really would be tantalising the right hon. Gentleman to give him only part of a night. He (the Chancellor of the Exchequer) could assure the hon. and learned Gentleman (Sir F. Kelly) that there was an abundant supply of Government business in immediate connexion with the public service to occupy both Thursday and Friday next. In the first place, there would be the report on the Legacy Duty Resolution—supposing them to get it passed this evening—and then there was the second reading of the Spirit Duties Bill; and then, if they disposed of those two subjects, it was most desirable for the public service that the Secretary of the Treasury should have an opportunity of asking the House to go into a Committee of Supply.

Sir ROBERT H. INGLIS said, he would take that opportunity to put to the hon. Secretary of the Treasury in public a question which he had before put to him in private. The House would recollect that the right hon. the Chancellor of the Exchequer proposed to alter the Customs duties with respect to the Isle of Man. Now, communications had taken place between Her Majesty's Ministers and the Governor of that island upon the subject in question. He wished to know what the intentions of Her Majesty's Government upon the subject really were, and also to ask if there was any objection to lay the correspondence to which he referred upon the table of the House? About nine years ago a remonstrance had been made upon the part of the inhabitants of the Isle of Man against a measure which had been proposed to the Government of the day, and in consequence of that remonstrance modifications had been made in the provisions of that measure. A similar course might, in the present instance, be advisable, and he thought it desirable that if any modification were to be effected in the plan of the Government, it should be made before they committed themselves more particularly to the measure in question.

MR. J. WILSON said, he thought that the hon. Baronet would agree with him in thinking that it was not desirable that the correspondence in question should be laid upon the table of the House until the communications between Her Majesty's Ministers and the Governor of the Isle of Man had been brought to a close. He (Mr. J. Wilson) thought he should be able, immediately after the recess, to lay the Bill upon the subject of the Customs Duties upon the table.

LORD DUDLEY STUART said, he did not exactly understand what business was to be proceeded with on Thursday.

The CHANCELLOR OF THE EXCHEQUER said, it was impossible to give an absolute pledge until he knew the result of to-night's discussion. Could the noble Lord tell him what was going to take place to-night? If so, it would be very handsome on the part of the noble Lord, and he should have no difficulty in describing the course of business on Thursday. Assuming that the debate on the Legacy Duty to-night should finish in time for other business, he would proceed with the Spirit Duties Bill on Thursday. He would move that first, unless there should be a discussion on the Report of the Legacy Duty Resolutions. After the Spirit Duties, he should propose that the House go into Committee of Supply. He understood some hon. Gentleman imagined that the Hackney Carriages Bill would come on on that day, and that would be the case if a convenient arrangement could be made for that purpose.

Subject dropped.

VENTILATION OF THE HOUSE—DR. REID.

MR. COWAN said, he begged to ask the Chief Commissioner of Works whether an arbitration has been offered to Dr. Reid, on the part of the Government, in reference to the course pursued towards him at the Houses of Parliament; and, if so, who were the arbiters and their umpire? If it be true that any decision has been given in Dr. Reid's favour; and, if so, what the decision has been? Whether, in the event of any such decision having been given, it was founded on legal considerations, or solely on the merits of the case? Whether the Chief Commissioner will agree to the production of all papers and documents connected with the appointment of any such arbitration, including the notes of any shorthand writer who may have attended its proceedings?

SIR WILLIAM MOLESWORTH said, in reply to the first question, he had to state that Dr. Reid was removed from his office, in charge of the ventilation of the Houses of Parliament, by the late Government; that, in consequence of his removal, Dr. Reid claimed compensation; that the Government agreed with him that the claim should be submitted to arbitration; that a claim was prepared, and signed by the Government and Dr. Reid, the Government appointing Mr. Forsyth as their arbiter, and the two arbiters appointing the Hon. George Denman as the umpire. With regard to the second question, he had to state that Dr. Reid claimed 10,280*l.* and the arbiters gave him 3,230*l.* The third question could only be answered by the arbiters, who probably would not answer it, and he was certainly of opinion that they ought not to do so. He presumed that the arbiters gave their award in conformity with the terms of the submission. In reply to the fourth question, he begged to say that he had no objection to the production of the submission and the award; but he objected to the production of the shorthand writer's notes, because they amounted to some six thousand folios, and the expense would be considerable.

SALE OF COFFEE AND CHICORY.

LORD CLAUD HAMILTON said, seeing the hon. Member for Westbury in his place, he wished to ask him whether it were true that the new regulation with respect to the sale of coffee and chicory had been evaded; and, if so, whether it was the intention of the Government to make any alteration?

MR. J. WILSON said, that frauds on a very large scale were committed in effecting the sale of packages containing a mixture of chicory and coffee. If the letter of the law were not exactly violated, its spirit was most decidedly broken through.

The attention of the Board of Inland Revenue had been called to the existence of the frauds in question, and a great number of seizures had, in consequence, been made. He had, however, lately communicated with the Chairman of the Board, and they had agreed upon the adoption of a system which he hoped would have the effect of preventing the occurrence of frauds in connexion with the sale of chicory and coffee for the future. The Treasury had issued a circular by which they required that on one side of the packages there should be nothing printed except words stating that they contained a mixture of chicory and coffee, and that on the other side of the packages there should be nothing printed except the name and address of the vendor. They also required that a similar arrangement should be adopted in the case of mixtures of chicory and coffee enclosed in canisters.

THE BUDGET—WAYS AND MEANS—SUCCESSION DUTIES.

The House in Committee of Ways and Means; Mr. Bouverie in the Chair.

Question again proposed—

"That, towards raising the Supply granted to Her Majesty, the Stamp Duties payable by law upon or for or in respect of legacies, shall be granted and made payable upon and for every succession to the beneficial enjoyment of any real or personal estate, or to the receipt of any portion or additional portion of the income or profits thereof, that may take place upon or in consequence of the death of any person, under whatever title, whether existing or future, such succession may be derived."

SIR JOHN PAKINGTON said, that he was desirous of taking the earliest opportunity of expressing the views which he entertained upon this subject. He entirely agreed in that part of the speech of the Chancellor of the Exchequer last night, in which the right hon. Gentleman expressed his sense of the immense importance of the question before the Committee. He (Sir J. Pakington) considered that proposal to be, not only the most important feature in the Budget of the right hon. Gentleman, but he considered it to be one of the most important financial proposals that for a long series of years had been submitted to the Legislature of this country by any Finance Minister. But further than that, he could not agree with the right hon. Gentleman. He entertained the strongest disapprobation of the proposals which the right hon. Gentleman had submitted to the Committee. He had not hitherto intruded on the Committee with any comments on the financial scheme of the Government; and he hoped he might then venture to request their attention while he stated clearly and concisely his reasons for objecting to that particular part of the Budget. He confessed that he had felt somewhat disappointed at finding that the right hon. Gentleman, in his able speech of last night, had not offered any explanation upon points on which great anxiety was felt throughout the country—he meant the machinery or the mode by which the right hon. Gentleman proposed to raise that duty. But the right hon. Gentleman had, perhaps, taken a judicious course in confining himself to the general principle of his proposal, and in inviting the Committee to confine themselves to the discussion of the principle only. He would strictly comply with that suggestion, and would limit himself to stating the objection he entertained to the principle of the tax now sought to be imposed. The right hon. Gentleman, in his speech last night, had stated several distinct grounds on which he was desirous of imposing that tax upon the country. The first of those grounds was, that he would impose it to rectify the inequalities of the income tax. Now he (Sir J. Pakington) could not for a moment recognise that as a ground on which the right hon. Gentleman was justified in taking the course which he had adopted. He was one of those who thought that the income tax already bore hardly and unfairly on rateable property, and he could not, therefore, for one moment acknowledge the right of the right hon. Gentleman to impose any additional burden on rateable property, by way of correcting the inequalities which he considered to exist. The next reason which the right hon. Gentleman had stated in favour of his proposal was, that he thought the imposition of a succession duty would be one means of enabling him to do away with the income tax in the year 1860. Now he (Sir J. Pakington) was one of those who felt extremely incredulous with respect to the abandonment of the income tax in the year 1860 The next reason which the right hon. Gentleman had urged in favour of a succession duty was, that it would enable him to repeal indirect taxation. Now he (Sir J. Pakington) appealed to the Committee, whether that reason was not at variance with the preceding one, and whether the right hon. Gentleman could fairly urge, in favour of his proposal, that it would enable him to abandon in the first place a direct tax, and in the next to abolish more of the indirect taxes. The argument appeared to him to be most inconsistent. He next came to the fourth reason which the right hon. Gentleman had urged in favour of the scheme, which was, in his (Sir J. Pakington's) mind, by far the most important of them all. The right hon. Gentleman had stated, fourthly, that he wished to impose this burden in order to smoothe away what he had called "the galling anomalies" of the present state of the law upon that subject. He (Sir J. Pakington) would endeavour fairly to grapple with that argument in favour of the proposal, for he considered that to be the ground on which the question must be decided. The right hon. Gentleman had said that it would be impossible to go on with the present system—that that system might last for a year or two, but that the legacy duties could not be long continued on their present footing. Now he (Sir J. Pakington) confessed that he did not see why they should not. The present system had, at all events, lasted for seventy years, and the exact regulations at present in force had lasted between fifty and sixty years, and he (Sir. J. Pakington) could not perceive any imperative reason for the change. The right hon. Gentleman had appealed to the authority of Mr. Pitt upon that point; but Mr. Pitt had expressly disclaimed that argument. In the year 1796 the very same argument was used—that if the legacy duty was imposed on personal property, it ought, from reasons of justice, to be imposed on real property; but Mr. Pitt declared, in the course of the debate on his plan, that he would not allow the two questions of a duty on real property and a duty on personal property to be mixed up together, and that the having imposed the legacy duty on personal property was, in his opinion, no reason for imposing it on real property. Mr. Pitt, therefore, had not, at all events, been influenced in the course he had taken upon that subject by the alleged anomaly of imposing the tax on one description of property, and, not on another. But, coming to the real question at issue, to the issue raised by the Chancellor of the Exchequer, and on which the question must be decided, it was this—was this a just and fair tax, and one to which the country ought to submit? and he would endeavour to show that no anomaly existed in the present system; he would endeavour to show that, although the legacy duties were at present imposed upon personal and not upon real property, there were full equivalents for the apparent inequality, and that they could not fairly impose any burden on rateable property in addition to those which it already bore; and that, far from there being any such galling anomalies as alleged, the real facts were the other way, and against the imposition of this tax upon rateable property. His objection to the Budget of the right hon. Gentleman might be summed up in a very few words, though they were of the gravest character. His objection to it was, that it was deficient in that equal and impartial justice to the various great interests of this country to which every Financial Minister was bound to adhere. A graver objection the right hon. Gentleman himself would, no doubt, feel, could not be taken to his scheme. He did not believe that the right hon. Gentleman felt that it was open to that objection; but he (Sir J. Pakington) thought that he could establish the objection upon two grounds. The first of these grounds was, the unjust operation of the scheme on Ireland; but into that point he would not then enter, for it was not then before the Committee. That which constituted the gravamen of his charge upon the present occasion was, that he thought the scheme partial and unjust in its operation on the landed interest—on the rateable property of the country. He founded that charge on the mode in which the right hon. Gentleman proposed to continue the income tax, and at the same time to levy a duty on successions. He confessed that he had heard with surprise the hon. Baronet the Member for Devonshire (Sir T. D. Acland) speak the other evening of the noble and comprehensive plan of the Chancellor of the Exchequer, speaking of it in terms of the greatest praise, while, in the same breath, he had declared that the mode in which the income tax was levied on land was unfair and unjust—that the proposed mode of levying the tax on successions was also unjust, and would require correction—and that, generally speaking, the Budget bore hardly on the great interests of the country connected with land. He would appeal to his hon. Friend, and ask him how any man could claim credit for the Budget as a noble plan, and worthy of admiration, and at the same time believe it open to the grave objections he had himself urged, of its being partial and unjust in its operation. With reference to the income tax, he did not understand by what right the right hon. Gentleman could, on his own showing, seek to prolong the present income tax on the rateable property of this country, which he himself had admitted contributed to the extent of 9*d.* in the pound to that tax, while every other description of property contributed to the tax to the extent of only 7*d.* in the pound. The answer of the right hon. Gentleman to that objection to the continuance of the income tax in its present shape, was, as he (Sir J. Pakington) understood him, they should either have a graduated tax, or else that they leave the tax one of a fixed amount. But now they had neither the one thing nor the other; for the tax of the right hon. Gentleman was neither a graduated nor an equal one; and it unquestionably, and by his own admission, bore most unfairly upon landed property. He (Sir J. Pakington) was one of that persecuted class, the country gentlemen. The right hon. Gentleman smiled at that. It was true that, for many years, very serious and unfounded imputations had been cast upon the landed interest; but, nevertheless, he was one of those who had always counselled the landed interest not to seek for any favours or exemptions, but to bear their fair share of the public burdens; but, upon the other hand, he would also counsel the landed interest not quietly to submit to be made the victims of any prevailing faction or cry, and by all lawful means to resist any plan which would cast upon them burdens which in justice they ought not to be called upon to bear. The question which the Committee had then to consider was, whether or not that proposal would impose such a burden. In discussing that question, he would take the right hon. Gentleman's figures and his own explanation, and would apply—not to the land exclusively, as the right hon. Gentleman had done, but to the whole of what had been called the rateable property of the country. The right hon. Gentleman had spoken of galling anomalies. That was the question, and, although he entertained these serious objections to the succession duty, he admitted it must be mainly raised on the question of justice; and it must be decided upon whether or not there really was a hardship to the country that personal property should bear a burden which rateable property did not pay. He begged to ask the attention of the right hon. Gentleman while he detailed the burdens upon rateable property. Let him call the attention of the Committee to the burdens to which, according to the right hon. Gentleman himself, rateable property was at present subjected. The right hon. Gentleman had taken the annual value of the rateable property of this country at 80,000,000*l.* Now that property already bore a share of the legacy duty. The legacy and probate duties had last year realised 2,515,000*l.*, and the legacy duty alone had amounted last year to 1,380,000*l.* Mr. Trevor, a most competent authority, had calculated that the portion of legacy duty falling on real property amounted to about five-twelfths of the whole sum; and he (Sir J. Pakington) would therefore take it at 500,000*l.* He next came to the stamps on deeds. The right hon. Gentleman had stated, and truly stated, the other evening, that there were no means at present of ascertaining correctly what portion of the stamp duties on deeds was paid by real, and what by personal, property; but the total amount of the stamps on deeds last year had been 1,409,000*l.*; and he believed the right hon. Gentleman himself would admit that the portion of that amount chargeable on real property might be reasonably taken at 1,000,000*l.* The right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn) had taken it in the year 1842 at between 1,100,000*l.* and 1,200,000*l.*; but since that time a considerable alteration had taken place in the stamp duties, and that estimate consequently could not be taken as a criterion; and he (Sir J. Pakington) believed he might fairly take the amount of the stamps on deeds at present payable by the owners of real property at 1,000,000*l.*, or two-thirds of the whole sum. Then the right hon. Gentleman had admitted that the extra income tax paid by rateable property amounted to 460,000*l.* a year: he had himself previously made a calculation which made it amount to less. He did not refer to the regular income tax, but to the extra tax which the right hon. Gentleman had admitted to that amount. He then came to an item which he thought would be admitted as fairly chargeable upon the direct payments made by real property — he meant insurances. The total amount raised last year was 1,220,000*l.* He was quite aware he was open to the answer that a portion of that amount was paid for furniture and other valuable household goods within the buildings, and he therefore would make the allowance for that to the amount of the 220,000*l.*, which would leave the sum paid by real property, in the shape of insurances, at 1,000,000. He would now come to the acknowledged burdens on land—burdens which the right hon. Gentleman himself, in the speech by which he had introduced his Budget, had estimated at between 14,000,000*l.* and 15,000,000*l.* a year. In that estimate he believed the right hon. Gentleman included the land tax, redeemed and unredeemed. He (Sir J. Pakington) would take those burdens, according to the estimate of the right hon. Gentleman himself, at 14,500,000*l.* The result of all those items was, that the 80,000,000*l.* of annual rateable property in this country paid in direct taxation the yearly sum of 17,460,000*l.*, or in round numbers 17,500,000*l.* That description of property was, therefore, charged to the extent of 22 per cent in the shape of direct payments. He asked, then, where was the "galling anomaly" of which the right hon. Gentleman had spoken on the preceding evening? Where was the injustice as regarded personal property which, according to his statement, not only justified, but almost compelled him to impose a new and grievous impost on rateable property? But how stood the other side of the account? What were the direct burdens borne by the personal property of this country? He left out the income tax in that case, as he had left out that tax in the case of real property, with the exception of the extra charge of 9*d.*, instead of 7*d.*, which land contributed, on the showing of the right hon. Gentleman, to the income tax. What remained of direct payments from personal property? He then knew of no direct charge, except the balance of the legacy and probate duties, over and above the 500,000*l.* which he had charged to the land, and which would leave a balance of about 2,000,000*l.* paid by personal property; of balance of the stamps on deeds, amounting to between 500,000*l.* and 600,000*l.*; and the stamp duties on bills of exchange, amounting to less than 1,000,000*l.*, but which he would take at that sum. They had thus 3,000,000*l.* of direct taxes paid by personal property as compared with 17,000,000*l.* paid by rateable property. Well, then, his argument was—and he trusted the House and the country would deem it a fair one—that this was not a state of things which justified the Chancellor of the Exchequer in coming down and asking the House to impose upon rateable property the addition of a burden so vexatious and so odious in its character—a burden which nothing but a stern necessity could, to his mind, justify and excuse the Chancellor of the Exchequer for seeking to impose. One of the main objections to the income tax was its inquisitorial character. If he recollected rightly, the Chancellor of the Exchequer the other night urged the inquisitorial character of the income tax as his reason for wanting to put an end to it. The hon. Member for the West Riding (Mr. Cobden) had also alluded to the same subject; and he would ask, then, whether the objection to the inquisitorial character of the income tax did not apply still more strongly to the tax on rateable property? The machinery by which the tax was to be levied was not before them: but would not every person who succeeded to the possession of rateable property have to expose to the authorities all the settlements in favour of younger children, the liabilities to which their estates were subjected, the mortgages and debts which they had incurred? He could not imagine any tax more objectionable on the ground of its inquisitorial character. And what were the authorities for the imposition of the tax? The right hon. Gentleman had referred them to the authority of Mr. Pitt. He (Sir J. Pakington) could not help thinking that this reference was most inauspicious: he had already shown that at all events the argument used by the right hon. Gentleman on the ground of the "anomaly" in the existing system, had not been recognised by Mr. Pitt. And what was the fate of Mr. Pitt's Bill? That Bill was rejected by the House of Commons, and Mr. Pitt was compelled to withdraw his proposal. [Mr. HUME: The country Gentlemen threw it out.] The hon. Gentleman said that the Bill had been thrown out by the country Gentlemen; and if that had been so, he (Sir J. Pakington) should express a hope that the country Gentlemen would again pursue the same course. The most formidable Minister the country had ever possessed, was compelled to abandon his Bill on account of the general opposition. But was it the Tory party or the landed aristocracy that threw out that Bill, and refused to accept the burden it sought to impose upon them? But the truth was, that the great opponents of the Bill were Mr. Fox and Mr. Grey. The right hon. Gentleman the Chancellor of the Exchequer, although he at present found himself in new company, might not be disposed to treat with much respect the authority of Mr. Fox and Mr. Grey; but he (Sir J. Pakington) was sure that the noble Lord the leader of the Government in that House (Lord John Russell), whose absence he regretted—while he still more regretted the reason for that absence—would be prepared to pay the utmost deference to that authority. Those who threw out Mr. Pitt's Bill, and who conducted the debate in opposition to it, were not the Tory leaders, but the two great Whigs, Mr. Fox and Mr. Grey. They were the men who opposed that Bill, and who beat it; and what were their arguments? Were they class arguments? No; their opposition was based on the just and intelligible ground that the tax was objectionable, because it was a tax upon capital, inquisitorial in its nature, and unequal in its operation. What said Adam Smith with regard to the tax? He urged its necessary inequality. The right hon. Chancellor of the Exchequer sought to remove that inequality by making the tax on rateable property payable on life interest. The right hon. Gentleman put that forward as a means of obviating the argument with which he had dealt, namely, the undue pressure on rateable property. Now, he (Sir J. Pakington) thought if there were any value in any part of the scheme, it was with regard to any mode of levying the tax, that would meet the objection of inequality. But it would not do any such thing: the inequality was inherent in the principle, and could not be removed by any such modification. With regard to the principle of the tax, he begged to obtrude on the patience of the Committee for a moment, whilst referring to the views of Adam Smith on the subject. That high authority said—

> "All taxes upon the transference of property of every kind, so far as they diminish the capital value of that property, tend to diminish the funds destined for the maintenance of productive labour. They are all more or less unthrifty taxes that increase the revenue of the Sovereign. . . . at the expense of the capital of the people."

Now, there was the light in which that high authority viewed the principle of this tax. He would now ask the Committee to attend whilst he referred to some other authorities. He had already referred to Fox and Grey, and was now going to refer to the right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn), as also to the late right hon. Member for Tamworth (Sir Robert Peel), and the noble Lord the Member for the City of London. The Committee would recollect that in 1842 a then hon. Member (Mr. Elphinstone), raised this question of the legacy duty on land. Was it then regarded as a party question? Not at all. Sir Robert Peel was at that time the First Minister of the Crown, and the right hon. Gentleman the Member for Cambridge University (Mr. Goulburn), was Chancellor of the Exchequer. Now, who were the principal opponents of Mr. Elphinstone on that occasion? Sir Robert Peel, the right hon. Gentleman, and the noble Lord. The noble Lord resisted the proposal on broad and extended grounds, amongst others that this succession tax should not be imposed on rateable property, because the House had recently consented to the imposition of an income tax, and he expressed an opinion that it would be unfair, when we had burdened rateable property with an income tax, to lay on that interest the additional impost of a succession tax. The right hon. Gentleman the Member for Cambridge University (Mr. Goulburn) argued the question on the ground of the weight of the stamp duties to which real property was subject, and insisted that it would not be fair to impose this duty on real property when they were subjecting it to the operation of the stamp duty. On that occasion Sir Robert Peel said—

> "The question was a most extensive and complicated one. No just conclusion could be drawn without looking to the whole of the stamp duties and taxes on conveyances. Any modification of the probate or legacy duties, or extension of them to other property, could not take place without a change in other burdens that bear in different ways on different kinds of property."

Now, as regarded Fox and Grey, Peel and Goulburn, their arguments were not applicable to any particular period, but were directed broadly at the principle of the measure—and more especially with reference to those of Sir Robert Peel—to a state of taxation which was in existence at this very moment, and they were quite as cogent now as when they were delivered. The Chancellor of the Exchequer had endeavoured on the preceding evening to show, that, after all, this would amount to a very light impost on the landed interest —to not more than about 400,000*l.* a-year. But he (Sir J. Pakington) did not concur in that; neither did he think that was the way in which the question was to be taken. The fair way to take the question was not in connexion with land merely, but with the entire rateable property of the country. He was ready to suppose that the Chancellor of the Exchequer himself considered his estimate of the amount to be received from this impost as within the mark; but the impression with others, and out of doors generally, was, that the produce would be much greater than the right hon. Gentleman supposed. The principle of his objection, however, applied equally, whether the amount was small or great. He was not going to argue now the question connected with the necessary machinery by which the tax was to be levied; but in that case also he thought the right hon. Gentleman would have to contend with difficulties all but insuperable, at least very serious. The right hon. Gentleman told the House he did not trust to compulsory legislation to raise the tax. If he did not, he (Sir J. Pakington) did not see how he could get over the difficulty without being subjected to vexations of an insuperable nature. He was glad to see the hon. Member for West Surrey (Mr. Drummond) in his place, against whose view, that "it was an eldest son's question," he protested. He (Sir J. Pakington) should be glad to find the hon. Gentleman amusing the House less, and instructing it a little more. He could tell the hon. Gentleman it was a younger son's question, and a daughter's question; it was a question of daughters and younger children sorrowing for the death of a parent; and who having been reared in affluence, were now cut down to a pittance, out of which very pittance they were to be compelled to contribute to this most odious and most unjust impost. ["No, no!"] He was speaking of those cases of settlement which were known to almost every family; and he asserted they would have to pay this cruel impost. He would appeal to Adam Smith's view of this question. In speaking of the laws of Holland on this subject, and adverting to that portion of the laws of that country which did not allow a succession duty to be paid in cases of direct descent of property from parents to children, Adam Smith said—

> "The death of a father to such of his children as live in the same house with him is seldom attended with any increase, and frequently with considerable diminution of revenue by the loss of his industry, of his office, or some life-rent estate of which he may have been in possession. That tax would be cruel and oppressive which aggravated their loss by taking from them any part of his succession."

Now, it was this cruelty and oppression which the right hon. Gentleman sought to put in operation as to the land of this country; but he hoped that, as in the case of the precedent of Mr. Pitt, the House and the country would not suffer it to take place. He had adverted to the expression of the hon. Member for West Surrey that this was "an eldest son's question," and upon that expression he would further remark, that the term "eldest son" instantly suggested the idea of large estates and rich inheritance. But who were the landowners of England? Was England parcelled out in great estates? No such thing. The great majority of the estates in this country were held by small owners. There were no means of exactly ascertaining the proportion; but he might, perhaps, represent it by the aid of an analogous statement. Mr. Farr, in the evidence appended to the Report of the Income Tax Commissioners, stated that out of the vast population of Great Britain, there were but 236,000 persons with incomes above 200*l.* per annum. He certainly had read this statement with great surprise; but, undoubtedly, if it was good with reference to incomes of all sorts, it might be fairly contended, by analogy, that the calculation was equally applicable with regard to estates. He (Sir J. Pakington) had no doubt that a very large portion of the land was held by small owners, and by that independent class so much respected by all, and of whom they were all so proud, the yeomen; men of 100*l.*, 200*l.*, and 300*l.* a year. If that were the case, he could not imagine a more cruel impost than the present tax would prove to that class of men; because, he believed, that at present their holdings were not free from incumbrances; and just at a time when a new inheritor might be about to take possession, it was sought to extract from his narrow income a tax of an odious and inquisitorial nature. They had heard much about the popularity of the present Budget throughout the country. But he felt sanguine the owners of rateable property, householders and landowners, would be alive in their resistance, and act with perfect unanimity throughout the country. He thought the Budget, instead of being regarded with favour, would be regarded with irritation and annoyance by these classes, when they found themselves called upon to bear their part, and submit to this heavy impost on their property, and when they found in the same Budget a proposal to give to one gigantic organ of public opinion, the *Times* newspaper, a direct pecuniary boon of at least 25,000*l.* a year. He was anxious to disclaim all intention of attributing sinister motives to the right hon. Chancellor of the Exchequer in that regard. He believed the right hon. Gentleman considered the advertisement duty could not be satisfactorily adjusted without an arrangement to the effect to which he had alluded; but he thought the right hon. Gentleman was unwise in exposing himself to the suspicion which would certainly attach to this proposal in the public opinion of the country—for he did not imagine that the people, when they found their pockets so seriously and so unjustly assailed, would be very nice in suggesting motives for the course of the right hon. Gentleman in this particular matter. Those who found themselves subjected to more than their fair burden of the taxation, and who, at the same time, found that great organ, not of public opinion merely, but of the opinions of the Government, receiving, at the hands of the Government, a boon which, he had heard from a gentleman connected with the press, would amount to not less than 30,000*l.* per annum, and which certainly would amount to not less than 25,000*l.*—these persons, if they did not impute unworthy motives to the Government, would certainly have their feeling of the injustice done them by the measure deeply aggravated by the comparison they would inevitably draw between the burden thrown on them, and the enormous boon conferred on the great organ which he had named. As he had begun his observations, so he would end them, with the proposition, that if the resistance to this impost could not be maintained on the ground of its gross injustice, it could not be maintained at all. He protested against the impost, because he believed it to be most unjust in principle—because he considered that it tended to lay a burden most injurious and most grievous on the most important interest in the country; and he trusted that, whatever might be the feeling as to other portions of the Budget, there would be, both in that House and throughout the country, an energetic resistance to this portion of the Budget.

MR. FRESHFIELD moved, by way of Amendment, the insertion after the words "real estate" in the Resolution, of the following words—"in like manner as personal estate is now liable, so far as the same can be made applicable, preserving, however, the Law of Primogeniture," and to leave out all the remaining words of the Resolution. The effect of this Amendment would be, that the legacy duty, as regards personal property, would be in no way interfered with, and real or landed property would be rendered liable to the same duty. He confessed that, as an abstract proposition, he could not defend the exemption of real property from the legacy duty; but if the legacy duty were to be extended to that description of property, the burdens which affected that particular interest ought assuredly to be considered; and in proposing the Amendment he assumed that in a spirit of justice they would be considered. He would remind the Committee that he confined himself to the question of a legacy duty—a tax not new. He would not admit that it was a just tax considered politically or socially; but the principle which governed its application was well understood: it was essential to the legacy duty that it should be levied on property bequeathed by an individual. The Act of Parliament 36 *Geo.* 3, cap. 52, imposed the tax—

> "upon every legacy, specific or pecuniary, or of any other description, given by will or testamentary instrument, of any persons who should die after the passing of the Act, out of the personal estate of the person so dying, and also upon every part of the clear residue of the personal estate of every person who shall so die, whether testate or intestate."

So that to constitute a legacy, as the law now stands, it must be left by will, unless in cases where the person dies intestate, and in all cases the property must be the property of the person dying. The Legislature never intended that duties should be charged upon marriage settlements; it intended that the duty should only be charged upon the legacy bequeathed by a person from his own property—in other words a fortuitous gift—or upon property acquired under that will, made by the law as in case of intestacy. It was never intended to include anything of the nature described in the Chancellor of the Exchequer's proposition; and to show how largely his right hon. Friend's proposed tax would extend the present legacy duty, he might remind the Committee that, by an Act passed ten years after Mr. Pitt's Legacy Act, a legacy appointed or apportioned under any power given for the purpose by any marriage settlements or deeds were especially exempted. This was entirely a new impost: it required only that a man should succeed to a benefit, and that in some way it should be connected with a death; and it was for the Committee to say whether this new impost should be sanctioned or not. The Chancellor of the Exchequer stated one ground upon which he justified the duty, and that was, that a large amount of property changed hands upon which there was no charge of this kind. This, however, was no argument in favour of an act of injustice. The hon. Member for West Surrey said that this was an ancient impost—in other words, that there had been a time when a man had less right to possess property. But surely this was no recommendation in its favour; on the contrary, it was a proof that it was to be supported, if at all, by resorting to a principle of barbarism which had been unable to outlive the march of civilisation. His right hon. Friend treated dispositions of property under deeds and marriage settlements as new inventions and evasions of the legacy duty. The statement surprised him, because such dispositions had the legislative sanction of the Stamp Acts of 1815 and 1850, in each of which duties were specifically attached to property settled by deeds having reference to the value of the property settled: they were transactions not of evasion, but of necessity, incident to the arrangements between families and individuals upon such occasions; and it was a part of the injustice of his right hon. Friend's proposal, that while parties had been authorised to make such arrangements upon certain fiscal conditions, with which they had complied, those who were to take benefits under these arrangements were to bear a new and inconsistent burden: and as to the evasions assumed by his right hon. Friend, he (Mr. Freshfield), during an experience of forty years, had never known a case in which a marriage settlement had been made to avoid the payment of legacy duty at a future period. All the transactions that he had known were *bonâ fide*, and necessarily incident to marriage; nay, more, it had been of common occurrence to give to the future wife a power, in failure of issue, to dispose of part of the settled property by will, which at once involved the charge of probate duty; and if the bequest was to any one other than her husband, also a legacy tax. His practical objection, then, to the proposition of the right hon. Gentleman was, that he intended to tax anything that was said to be a "succession"—no matter what kind of a succession. He scarcely knew what right his right hon. Friend had to use the term "succession." In a popular sense, certainly, it did not apply to property of the description included by the Chancellor of the Exchequer; because, in the popular sense, it would be construed to mean "the right or power to come to the inheritance of an ancestor." But his right hon. Friend's plan was respectfully indifferent to all such considerations: no matter how remote the source—no matter what the right to possess the property, if it came through by purchase, literally some one succeeded to it, and that somebody must pay. He would put a case where, under the proposition of the Chancellor of the Exchequer, a great act of injustice would be done. Suppose a gentleman to settle upon the marriage of his son as a jointure on his intended daughter-in-law, 100,000*l.* in the public funds—her jointure would then yield 3,000*l.* per annum, the interest on the 100,000*l.* But should her husband die, and she become a widow, she would then have to pay succession duty upon 3,000*l.* a year, although not one shilling of the money had ever belonged to her husband; and having no consanguinity with her father-in-law, she would pay as a stranger in blood. The proposition of the Chancellor of the Exchequer would also tell with great injustice upon mortgages charged upon reversions; for persons advancing money upon or purchasing annuities or reversions, would have to pay a succession tax, not upon the death of the person of whom they purchased the reversion, but upon the death of another. This, he said, was not an imaginary case, but one of ordinary occurrence: an heir apparent was unable to maintain his station and educate his children, for want of pecuniary means, and he contracted with some public company to grant him an annuity during the life of his father, for which, upon the death of the father, he would engage to pay a sum in gross, or an annuity during his own life. This would be a succession upon which the lender must pay duty, even though, as was sometimes the case, the course of events had defeated the principle of calculation, and rendered the transaction one of loss to the party lending. Nay, more, if the Government duty took precedence of all other charges, the heir might have to pay upon a very large estate, so as, with the immediate expenditure of the heir for the benefit of his property, to postpone the debt of the mortgagee for years, until out of the rental the heir could raise money sufficient to pay, as well his own liability for duty and his debt; and if he had only a life estate there must be a further charge for the insurance of his life until his debt should be paid. He had but one word to say in explanation of that part of his Amendment which related to the law of primogeniture: he meant only to show that he did not consent so literally to apply the legacy duty to all the incidents of real property, that in the event of a proprietor of landed property dying without a will that it should be divided, as in the case of personal property, under the statute of distribution, but that it should descend according to the law affecting real estates. The whole Budget of the Chancellor of the Exchequer was a war against property. It might be popular in some quarters, but he was sure it would be productive of hardship and injustice. He warned the right hon. Gentleman how he struck a blow upon public confidence, the effects of which might be felt to an extent of which he had no present conception.

Amendment proposed—

"Line 4, after the word 'real,' to insert the words 'estate in like manner as personal estate is now liable, so far as the same can be made applicable, preserving, however, the Law of Primogeniture.'"

MR. DRUMMOND said, it had been remarked that walls had ears, and therefore he would not object to address the House, although there was scarcely a House to address—a circumstance which certainly was not symptomatic of very great alarm being entertained by the country on the subject of this tax—at any rate there seemed to be very little interest taken in it on this occasion. It was said of Dean Swift, that, finding himself and his clerk the only worshippers in his church, he began, "Dearly beloved Roger, the Scripture moveth you and me in sundry places." So he (Mr. Drummond) thought he might say, "This question moveth you and me, Mr. Chairman:" With respect to the alleged hardship which this tax would inflict upon the daughters in great families, it would inflict such hardship no doubt; but they must arise *ex necessitate rei*, because in the case of these settlements, living as the daughters had been accustomed to do in large establishments, a subsequent change of position could not be felt to be otherwise than painful. But the right hon. Gentleman the Member for Droitwitch (Sir J. Pakington) said, that the great bulk of the land of this country was not held in such large masses as was supposed, but an immense portion of it was owned by the yeomanry, and broken up in smaller quantities. That was very true; but then land of the latter description was very rarely under settlement—that class of persons never did encumber their estates in the way that the large landed proprietors did, and therefore this objection did not apply to their case. The hon. Gentleman who spoke last did not deny that this was a tax which came down from former times; but he said that it was a relic of barbarism, and had become unsuited for our modern civilisation. He did not think the hon. Member was quite correct as to the historical fact. In former times, the Crown was in the habit of rewarding military service by grants of land; but if mercenaries were employed they were requited with money, and thus the practice was gradually introduced of giving soldiers pecuniary payment. His objection to the present Motion and debate was this:—When he was asked to affirm an abstract proposition to impose a legacy duty upon all successions, he did not understand how he could possibly resist it. No one objected to a legacy duty in itself as unfair; but it was now asked that an exception should be made in favour of one description of property only, which, viewing the question abstractly, he could not assent to. He confessed, however, that he entertained great doubts indeed, whether, when they came to the details of the Bill, they would be able to carry them out. It was very easy to suppose cases, though they were not much worth, for he believed that when they came to look closely into them, they would find such great difficulties and such enormous hardships that it would be impossible to carry out the measure in its details. For this reason he was sorry to see so much time wasted in discussing a mere abstract proposition. He thought it would be better to defer the discussion till they got the Bill and went into Committee upon it. His difficulty arose from the different view which he took of land, as compared with that of many lawyers and others in that House. He granted that the subdivision of property was in many respects a great advantage. With respect to the simplification of titles, too, which had been alluded to the other night, that was valuable in order to make land more purchaseable—to raise its marketable price; but he (Mr. Drummond) confessed he looked on land as a much more important matter. He looked on land as the only basis of monarchy. The right hon. Gentleman the Chancellor of the Exchequer had described the great political importance of landowners; but the fact was that a landowner, merely as a landowner, had no political power. It was when an estate was associated with a series of great names, and had been long settled in a particular family, that the owner had political influence. As soon as the estate changed hands, or was cut up and parcelled out into smaller estates, the political influence was gone. For the same reason that hereditary monarchy was superior to elective monarchy, so was land which had been long settled, entailed, and continued in the same family of more political importance than land which was continually changing. These two views were often confounded; but he believed that the distinction was of much more importance than was usually imagined. There was another thing to which the right hon. Gentleman had adverted, and that was the increasing of this mode of direct taxation in order to get rid of indirect taxation. He (Mr. Drummond) confessed that they had got rid of indirect taxation too much already; and all persons who saw beyond the present hour saw perfectly well—and indeed some of the advocates for direct taxation did not disguise their reasons—that if we got rid of indirect taxation direct taxation would become so oppressive that the Government would not dare to collect it. They believed that they would then get rid of military and naval estimates; but they were quite mistaken. The first day that the House of Commons refused to grant the supplies, it was not the soldiers and sailors that would be turned adrift; it was the funds first, and the mills next, and they might depend upon it that the man who had got the sword or the bayonet would be the last to go without his dinner that day. He would recommend those Gentlemen to whom he referred not to fancy that it was so easy a matter to force direct taxation to such an extent as to induce the country to resist the payment of taxes altogether. They might depend upon it that the evil would recoil upon their own heads. He would end as he began, regretting that they should be discussing this point now. The details of the Bill would be most important, and would require so much consideration, that he thought it would be much better to affirm the principle of the Resolution at once, and let the measure be brought in.

Mr. W. WILLIAMS said, the state of the House showed the interest which was taken in a question which the hon. Gentleman (Mr. Freshfield) called a war upon property. With the permission of the select party present, he (Mr. Williams) would endeavour to fill up some of the time which must elapse before the division took place at twelve or one o'clock. He was sorry the right hon. Gentleman (Sir J. Pakington) was not in his place. He should have liked, had the right hon. Gentleman been present, to have observed on the long speech he had made in opposition to the proposition of the Chancellor of the Exchequer. In one part of that speech he (Mr. Williams) entirely agreed, where it was said that the legacy duty as at present imposed was most partial and unjust. The right hon. Gentleman, after that, went on to argue that there should be no extension of the tax to real property, and gave as a reason that the tax in its present form had existed for nearly sixty years. It was fifty-seven years since the landlords imposed a legacy duty on the savings of the whole mass of the community, and on every one who might receive a legacy of 20*l.* and upwards; while the large mass of real property was exempt. The landlord Parliament, of 1796, and the Parliaments which succeeded, it being taken from the same class, while they exempted themselves from this tax, had added 500,000,000*l.* to the national debt in order to carry on a war with France, the main object of which was to prevent a reform of that House, in order to enable that class to maintain their power in both Houses of Parliament. The right hon. Gentleman said, that Mr. Fox and Mr. Pitt were opposed to the imposition of this tax upon real property; but the very reverse was the case. Mr. Pitt divided the tax into two Bills, one applicable to real and the other to personal property, and on account of the influence brought to bear against him, he brought in the Bill relating to personal property first. Mr. Fox said—"He objected to the separation of the two Bills; that there was great force in the objections which had been made to bringing forward a separate Bill for applying the tax to landed property; there was no reason why the two questions should be separated, and many why they should be kept together." Mr. Pitt followed, and said, "He agreed that the principle on which the two Bills was founded, was the same, and if that Bill passed, it was desirable that the principle should be extended to real property." Care was taken to pass the Bill relating to personal property, and the Royal assent was obtained for it before the other Bill was brought in; and Mr. Pitt, in proposing it, said, "The principle of the Bill had been recognised in the passing of the Bill making personal successions liable, and that it was a duty which could never be paid with reluctance, for it was paid out of property which the owners never expected to enjoy." This was directly opposed to what the right hon. Gentleman said was the opinion of Mr. Fox and Mr. Pitt. The right hon. Gentleman had also quoted Adam Smith; and he read an extract which he said was a declaration on the part of Adam Smith that he was opposed to a tax on real property. Now the following was a brief exposition of Adam Smith with regard to taxation. He said, "The subjects of every State ought to contribute to the support of the Government as nearly as possible in proportion to their respective abilities—that is, in proportion to the revenues they respectively enjoy under the protection of the State; and in the observance or neglect of this maxim consists what is called the equality or inequality of taxation"—a maxim more opposed to the deductions of the right hon. Gentleman could not be conceived. Much apprehension had been expressed by many noblemen and by some gentlemen of the middle class with regard to this tax. If they would only take the trouble to calculate the amount of the legacy duty imposed on real property by this Bill, all such apprehensions would disappear. It had been stated by several high authorities, and among them the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), that nine-tenths of the landed property of this country was under settlement; that kind of property was to be liable to a duty of one per cent only. Now what was the proportion of personal property that was liable to a duty of no more than one per cent? Why, in the first instance the probate duty was charged on the gross capital about 2½ per cent, and then came the legacy duty, the lowest rate of which was 1 per cent. He would take an estate producing 100*l.* a year, and estimating its value at thirty-three years' purchase, it would be worth 3,300*l.* Now 1 per cent on that would be 33*l.*, or something less than four months' rental of the first year, and that was all the possessor had to pay for the enjoyment of the property for his whole life. The same calculation would apply to large as well as small estates. Take an estate of 600*l.* a year, and at thirty-three years' purchase it would be worth something near 20,000*l.*, and the payment of a legacy duty of 1 per cent would amount to 200*l.*, being something less than a third of a year's rental. Take an estate of 1,500*l.* a year, and at thirty-three years' purchase it would be worth 50,000*l.*; the duty payable would be 500*l.*, or the third of a year's rental. So again, an estate of 3,000*l.* a year, which was estimated at the value of 100,000*l.*, would pay a duty of 1,000*l.* But from the manner in which the Chancellor of the Exchequer had valued real property, he would never see twenty-five years' purchase as its value or even twenty years'. He (Mr. Williams) would take the value at twenty-five years' purchase, and the duty payable at 1 per cent would only amount to one quarter of a year's rental. That was the case of persons who came into property, for the removal of the impediments to which they had been praying for years; and they had only to remain in their previous position for a quarter of a year, and they would pay off the whole amount of the duty which the landed gentry were afraid to contemplate. He was astonished that the Gentlemen who were connected with the land would subject themselves to such a stigma as that which they now bore—of imposing on others a tax from which they carefully exempted their own class. He, for his part, would not be so shortsighted;—were he a country gentleman, he would say that sooner than incur the stigma of being instrumental, as a Member of the Legislature, in imposing the tax on his servants, tenants, and labourers, if they happened to have 20*l.* or more, left them, and exempting himself, he would pray the Chancellor of the Exchequer to impose not only the legacy duty upon him, but to add the probate duty as well, which he did not propose to do. From the speech which the Chancellor of the Exchequer had delivered on the previous evening, he (Mr. Williams) was afraid that he would have in some degree to modify the approbation which he had expressed with regard to this portion of the Budget as it had originally stood. He was afraid that the right hon. Gentleman had given way in some measure to that influence which no Chancellor of the Exchequer had ever yet dared completely to defy, and that the great landowners were going to be placed in a better position relatively to other classes paying the legacy duties. Great sympathy was expressed by the "country party" in that House with the tenant farmers; but what sort of farmers' friends were they who imposed on the farmers a tax which they insisted on themselves escaping? Why did the farmers pay a probate duty which was not paid by the owner of the land? According to the amended proposal of the Chancellor of the Exchequer a person succeeding to a property of 100,000*l.* would have to pay a legacy duty of 1,000*l.*; but then he was not required to make any payment during the first year after his succession, and the duty was to be paid by equal half-yearly instalments extending over the subsequent four years. He (Mr. Williams) greatly disapproved of such a concession. In the first place, because this arrangement would lead to the necessity of keeping a great number of accounts, and of maintaining an expensive establishment. He calculated, indeed, that it might be necessary to keep many hundred thousand accounts against estates, and it would also be necessary to employ lawyers or agents throughout the country to collect the duty; and he objected to it, in the next place, because these creditors of the State would, in the end, manage in one way or the other to evade their debt to the State, so that the State would sustain a constant deficit. He was afraid, therefore, that the actual produce of the tax would not realise the calculation of the Chancellor of the Exchequer. Indeed, he thought it would be far better if the right hon. Gentleman took one-half per cent ready money, instead of one per cent the payment of which was to extend over a period of five years. On what principle of justice was five years' credit to be given to the great landowners, when a tradesman or working man would scarcely get a day's credit for the payment of this tax? He made every allowance for the influence which was brought to bear upon the right hon. Gentleman, to prevent a fair and equitable assessment of taxation; and under the circumstances he would earnestly recommend the right hon. Gentleman to adopt the compromise, and take a half per cent off for ready money. It was a question, however, for the great Lords, and the retainers of the great Lords in that House, whether it was worth their while to invite the odium of presenting this boon to themselves, and not sharing it with the other and less wealthy classes. The hon. and learned Gentleman (Mr. Freshfield) seemed to have a great sympathy for those rich persons who, by means of one evasion or other had generally contrived to escape this class of tax altogether. He (Mr. Williams) would be glad to see some machinery employed to prevent these evasions of the rich. A Parliamentary return showed that of 26,400 wills proved, and letters of administration taken out in 1848, 17,600 possessed property of the value of only from 20*l.* to 250*l.*; and Porter, in his *Progress of the Nation*, observed, that only three-tenths of the personal property of this country paid legacy duty. He was glad to find the right hon. Gentleman expressing a distinct determination to extend the legacy duty to all alike; but he warned the right hon. Gentleman that if he left any loopholes such as this plan of five years' credit to certain classes, he would be awfully deceived in his calculations. He hoped that in time they would see the extension of the probate duty too to real property—that at which the right hon. Gentleman the Member for Bucks (Mr. Disraeli) had hinted in the course of his speech on his Budget in December; and for his part he (Mr. Williams) would prefer the extension of the probate duty to that of the legacy duty; for unequal as the legacy duty was, it was less so than the probate duty. He would now appeal to the *par excellence* "Protestant and religious" body opposite to him, particularly the hon. Member for North Warwickshire (Mr. Newdegate), and ask, where was their Christian morality which permitted them to go on year after year upholding and even aggravating, when they could, the most unjust and unfair system of taxation which the world had ever witnessed? They imposed this tax on their tenants, domestics, and labourers, and called the extension of it to themselves confiscation and robbery.

Mr. AGLIONBY observed, that the Chancellor of the Exchequer, throughout his address last night, had admitted the inequalities existing between the duties upon real and personal property, and had expressed his desire to remedy those inequalities. Now he (Mr. Aglionby) thought that if such inequalities existed they ought to be adjusted, before the measure proposed by the Chancellor of the Exchequer was agreed to; but if there were no such inequalities, then he thought real property was as fairly and justly chargeable with the probate duty as it was with the legacy duty. The right hon. Gentleman had gone into various minute points, the bearings of which he (Mr. Aglionby) certainly could not see, and which, he believed, no one but an experienced accountant or actuary could explain. The question, however, was, whether the proposition of the Chancellor of the Exchequer removed the existing inequalities, and placed real and personal property upon a more equal footing. He (Mr. Aglionby) must say, he thought the same essential difference which had hitherto existed, would still prevail; but, taking the Budget as a whole, although there were some points of it to which he objected, he thought the good preponderated so greatly over the bad, that he would give the proposal of the Government his support. He disclaimed the imputation of being a "Protectionist," as had been intimated the other night by an hon. Gentleman; but though he was not so in the ordinary acceptation of the term, yet he conceived it to be his duty to step forward for the protection of the interests of a class which he felt to be aggrieved. He must say, indeed. that he could not lose sight of one consideration, namely, that at this moment he saw no possibility of framing any Government who could replace the present Administration with advantage to the country, and who could carry out those measures of reform progress which he was anxious to see effected. He knew he was not advocating the cause of labourers or of occupying tenants, when he referred to burdens which ultimately fell upon landowners; but he did think they were deserving ef the attention of the Government. He passed by church rates and highway rates, as of minor importance; for the grand grievance was the burden of poor-rates, as to which there was nothing like equality between realty and personalty. Suppose a gentleman with 1,000*l.* a year derived entirely from land, and a neighbour with 100 acres of land and 2,000*l.* in the funds—the rental of the land in both cases paid the poor-rates, but the money in the funds escaped unburdened. Where, then, was the equality between these two individuals? What he wished to see was, a return to the system as it operated in the days of Elizabeth, when the poor-rates fell upon the wealth of the country. It was not so now, when these burdens were not borne by the vast accumulation of personalty which existed in this country. The remedy might easily be found, he thought; and he should take the opportunity, when the Bill itself was in Committee, of stating his views. What he wanted was, not that undue favour should be shown to any one class, but that all should be placed on an equal footing. Approving, as he did, of the main principle of the scheme, he should give his vote in favour of it.

MR. LIDDELL said, it was the circumstances under which the tax had been brought forward, and recommended to their notice, rather than exemption from the tax, which would influence his vote that evening. He was surprised to hear that a large remission of taxation was to be made to classes other than the proprietary, and that then the deficit so created was to be supplied by an increase of taxation on that burdened class. For his part, he was decidedly opposed to the addition of any new burdens to the already heavily burdened landed interests of the country. He looked upon the retention of the income tax as a great injustice. The tax was originally imposed to enable the country to bear unrestricted foreign competition, and for the benefit of the labouring classes. Those remissions of indirect taxation, no doubt, had fulfilled the object for which they were proposed; but the landed interest had derived no benefit whatever from them; and it was a great injustice to make still further remissions now, and to call upon the real property of the country to make good the deficit so created. There was a limit to direct taxation, because if, by the imposition of direct taxes, you crippled the employers, whence would come the revenue anticipated from the employed? He had heard the Chancellor of the Exchequer a few nights ago, plead with great pathos the cause of the orphan daughter and the desolate widow with regard to the income tax. That tax would be paid for the long period of seven years upon their usually small fortunes or jointures—in most cases very small; but in addition to that the right hon. Gentleman now proposed to tax them with an additional burden, in the shape of a tax upon their succession. He could not understand how the right hon.

Gentleman could plead their cause with so much eloquence, at the same time that he increased their burdens. It was stated by the Chancellor of the Exchequer that the tax on succession would be equivalent for the inequalities of the income tax; but in his opinion it would operate still more unequally than the latter. But it was said this tax was intended to pave the way for the repeal of the income tax. Well, then, he thought it would be time enough to impose it when the income tax was repealed. Besides, with all respect for the right hon. Gentleman's wonderful powers of calculation, he could not understand how he should have estimated the amount of this tax at 400,000*l.*; for although he had stated that it would hardly be levied more than once in a generation, or in thirty years, yet experience had shown that large estates had changed hands three or four times in so short a period as thirteen or fourteen years; and he thought—and he knew many competent judges who concurred with him in the opinion—that, considering the enormous area over which the tax would extend, the amount would be very much larger. It was very frequently the case, too, that the heir-apparent was far advanced in life, and encumbered with numerous and heavy claims upon the succession, so that he was to be taxed by this proposition just at the very moment when he would be least able to pay it. He thought there was something inherently unjust in the whole tax; and in proof of that he asked how was it that so many succeeding Chancellors of the Exchequer, all anxious to obtain national resources, and to strain as it were the life-blood of the country, should yet never have attempted to deal with this tax? Was it not on account of the strong inequality and injustice that pertained to the proposition? In his opinion the act was little short of positive confiscation—the drain upon the capital of the country would be so enormous. The right of hereditary successions was one of the main props of our social system, as much so as a hereditary monarchy, or our Parliamentary institutions. He believed that the passing this Act would be a blow at the constitution. [*A laugh.*] Hon. Gentlemen might laugh—perhaps they would like to see the blow descend; but he did not state that opinion from any selfish, still less from any factious motive—he stated it as the grave conviction of his mind, and a conviction which was not likely to be changed by any arguments that were brought against it. He thought the parallel which had been drawn between the time at which this tax was originally proposed, and the present moment, was by no means justified by the circumstances of the two periods. In the year 1796, when Mr. Pitt proposed the tax, the Government of the country was charged with the large responsibility, and the people were excited by the agitation, of a twenty years' war. But now, in the year 1853, the country was reposing after a thirty years' peace. A great difference, therefore, ought to be made between those two periods. Were they now going to war, or fearing an invasion? Was there any portion of the people starving throughout the British dominions? No; the prosperity of the people was unequalled, and there was a rapidly increasing trade. Neither was the tax laid on for the laudable purpose of Church extension, or for the spread of education, in which case he would have been glad to pay it; but they were called upon to establish an impost that Ministers might be able to court popularity, and pander with the democratic influences of the age. He regretted that men so illustrious by station, talent, and power, were actuated by such motives—men who had yielded to a pressure from without. He intended to oppose the tax mainly upon those grounds, because whatever argument might be urged to the contrary, he could not but consider that, unless such measures were kept in proper check, they might prove very detrimental to our monarchical institutions. He should resist this tax, because he thought it had been brought forward in a spirit with which the First Commissioner of Works (Sir W. Molesworth) confessed he sympathised—against which it would ever be his duty and his pride, as a member of the great party to which he belonged, invariably and strenuously, though he feared unsuccessfully, to contend.

VISCOUNT GODERICH said, the chief ground of objection which had been taken to the proposition of the Chancellor of the Exchequer was, that the proposed tax bore with injustice upon the landed interests. He must, however, say that the interests of no hon. Gentleman on the other side of the House could be more entirely bound up with the land than his were, and this being the case, he was anxious to take that opportunity of stating the reasons which induced him to support the proposition of the Chancellor of the Exchequer. Hon. Gentlemen on the other side had admitted that in theory, there was no objection to the proposition, that it was desirable that every tax should, as far as possible, be levied equally on all classes of the community; and that unless there were special circumstances which might fairly justify exemption, exemption was in itself an evil. That admission, which had been made by every Gentleman who had addressed the House, would save him the necessity of entering into any long or elaborate argument to establish that abstract proposition; and therefore he would address himself at once to the special objections which had been urged to the proposed extension of the legacy duty. Those objections divided themselves, as far as he was aware, into two classes: first, that which asserted that the extension of the tax to landed property was unjust, because that description of property was already subject to special burdens, from which other descriptions were exempt; and the second, that which went upon the ground that the tax was so objectionable that the House ought not to proceed to remedy existing irregularities, but rather to get rid of it altogether. The so-called burdens on land might be divided into three classes. The right hon. Baronet the Member for Droitwich (Sir J. Pakington) had urged as one argument against the tax, the present mode of assessing the income tax upon landed property, which, he contended, was too high as compared with other kinds. Now, he confessed he was surprised to hear that objection urged by the right hon. Gentleman, because, as far as he understood the course which was taken by hon. Gentlemen opposite in the discussions on the income tax, they did not object to the present mode of assessment, because it was a special burden on land, but because it was full of inequalities, which pressed with like injustice upon all classes of the community. Now, it seemed to him that the ground was cut away from under the argument which the right hon. Gentleman had used, by the course which had been adopted by hon. Gentlemen opposite; for they had no right to say that the present mode of assessing the income tax was an especial burden on land if it fell with equal injustice and equal heaviness upon other classes besides land. To go no further back than the Amendment which was moved by the hon. Baronet the Member for Hertfordshire (Sir E. Bulwer Lytton) the other week, what was it but a protest against the inequalities of the income tax as far as concerned trades and professions? And if that were so—if the tax pressed unfairly upon those classes—and he was not prepared to deny that proposition—then there could be no room for saying that the tax pressed on the owners and occupiers of land more heavily than on other classes. The proposition of the hon. Member for Berkshire (Mr. Robert Palmer) was to assess the income tax on the net, and not on the gross, income of the farmer and landowner. He argued that they ought not to be assessed on what they actually paid for insurance—for the management of their land; but his hon. Friend the Member for Manchester had shown that a similar allowance ought to be made to manufacturers for insurance and other like charges. Then there was another point on which the right hon. Gentleman opposite laid great stress—a point which used to be much discussed in past days, and which, to his mind, savoured much of past discussions—the local burdens that pressed upon the land. Now, the proposition of the Chancellor of the Exchequer was, amply to allow for the pressure of those burdens; and if it were not presumptuous in him to criticise any portion of the right hon. Gentleman's scheme, he would say he had made too ample an allowance. But at any rate, as that was so, it became a mere question of dispute between the amount of those local burdens and the amount of the proposed exemption. The right hon. Member for Droitwich alluded also to the pressure of the land tax; but he (Viscount Goderich) ventured to think that that was no special burden upon land in the sense in which that word was used in these discussions. It was a tax that was levied long ago, if not avowedly as a substitute for the old feudal burdens, at all events at a time when those feudal burdens, which dated from the earliest antiquity and were of great weight, had been remitted, and to a certain extent in lieu of them, and he did not think that under these circumstances the landowners were entitled to complain of the special burden of the land tax. Besides, he was not sure whether the Chancellor of the Exchequer did not intend to levy the tax upon the saleable value of the inheritance. If he did, then he would, of course, allow for the land tax, because land was bought subject to the tax, and commanded a less price because the tax was on it. It did not seem to him, then, that these burdens on land entitled the owners to special exemption from this impost. But then it was said—and great authorities were cited in support of the opinion—that this legacy duty was so objectionable as a tax on capital, that it was so iniquitous, that it ought to be altogether abolished. The right hon. Baronet had quoted the authority of Adam Smith on this point; but he (Viscount Goderich) believed the passage cited referred rather to the stamp charges on the conveyance of land than to the legacy duty. The right hon. Baronet might, however, have quoted another high authority—the late Mr. Ricardo—who was undoubtedly opposed to a legacy duty, on the ground of its being a tax on capital. But if it were not too presumptuous on his part, he would venture to differ even from so great an authority on political economy, and to express an opinion that the legacy duty was not a bad tax. For in these days the capital of the country had such a tendency to increase, that it became rapidly too great to find profitable employment, and was from time to time carried off, sometimes by the terrible event of a commercial crisis; at others, finding no outlet at home, by being sent abroad, and employed in other lands. Now, if that were the case, he thought that no injury would accrue if a portion of the capital now so exported or destroyed were intercepted in its way by the Treasury for the wants of the country. But he had other reasons for supporting this proposition. There was a wide-spread feeling among those classes in the country who possessed personal property—be that feeling just or not—that the exemption from this tax which was now enjoyed by the owners of real property, was unjust and unequal, and that that exemption was obtained by the great weight possessed in this House, and especially in the other House of Parliament, by gentlemen of his own class who were connected with the land. He felt it would be a great benefit to the landed class if that impression could be removed from the minds of the people. He believed that it was not safe, as the right hon. Gentleman had said, to continue those inequalities, when they were loudly complained of and deeply felt. The noble Lord the Member for North Northumberland (Lord Lovaine), when speaking on the question, not of the income tax, but of the Budget generally, had warned the House to look to the history of France at the time of her first Revolution, and had said that, by the imposition of taxes of this nature, the French aristocracy had been destroyed. If he read history aright, he must venture to come to a far different conclusion. He believed that the cause of the fall of the French nobility, even more than the vices of the last reigns of the French monarchy, was, that they claimed to be exempted from bearing their equal share in the burdens of the community, and that in the obstinacy of this resistance they baffled even the genius of Turgot, and were deaf to the warnings of the wisest members of their own class. He therefore advised hon. Gentlemen opposite to pause before they gave strength to the feeling that existed in the minds of the people, that they, possessing great advantages, and standing in an important position in the State, were desirous to use that position to save themselves from the taxation that fell upon the people at large. It was perfect equality and perfect justice on which alone could be built the stability of the nation, and the permanence of those institutions of which they were all so justly proud; and he believed that nothing would contribute more to knit together the hearts of all classes in the land than the conviction that, living under equal laws, and sharing equal burdens, the interests of all were the same.

Viscount Goderich

Mr. CAYLEY said, he had heard with great satisfaction the speech which had been made by the noble Lord (Viscount Goderich) who had just sat down—a speech full of promise and ability, and doing honour even to the distinguished name of the noble Lord. The noble Lord seemed to imagine that the landed interest was desirous of shielding itself against its fair share of taxation; but if the noble Lord had reflected for a moment he must have seen that the landed interest possessed property of a kind which it was utterly impossible to shield from taxation. That was one of the difficulties which land had to contend with as opposed to personalty, for the latter being evanescent and invisible, often escaped contributing its fair share of taxation. The very case quoted by the right hon. Gentleman in his Budget speech proved this, for he showed instances of shopkeepers who had not paid more than a sixth of what they ought to have done. The right hon. Gentleman had also clearly shown in that celebrated speech that land paid *2d.* in the pound more than trades and professions, and that was stated to settle the question as between property and skill and intelligence. But it did not settle the question as between personalty and realty, as he would show. It appeared to him that those who possessed personalty had no cause to complain of any inequality of burdens. The noble Lord had referred to a tax which had been very much alluded to in the debate—namely, the land tax. That was one grievance under which realty suffered as compared with personalty. The land tax was virtually a tax on means and substance; but ever since it had been imposed, personalty had evaded it, although legally liable to land tax as well as poor-rate. The complaint of those connected with land was, that at the time the legacy duty was imposed, land was subjected to two taxes—the land tax and the poor-rate—which legally fall upon personalty, but which it contrives to evade. It was because personalty did not pay those taxes that the peculiar tax of the legacy duty was imposed upon it. Their complaint, therefore, was, that personalty, which had for some hundred years evaded these two peculiar taxes paid by realty, should now come forward and demand that the land should bear a third peculiar tax—namely, the legacy duty. That was not fair dealing, and was one reason why he objected to the system of financial equivalents; for, supposing the Government placed one peculiar tax on land, and one peculiar tax on personalty, they might rely on it that the time would come when the people of the towns would raise a clamour, forgetful of the peculiar tax paid by realty, and demand redress of the grievance of their own peculiar tax. He contended that realty paid, as compared with personalty, three or four taxes equivalent to the legacy duty. He believed that the local burdens amounted to *5s.* in the pound, being at least 20 per cent of the gross income. If the land tax and stamp duty were taken together, it would be found that they would give 4,000,000*l.* paid by realty, compared with 2,000,000*l.* paid by personalty. If, therefore, the question was to be one of equivalents, he contended that the equivalents must be produced by taking off some of the taxes on realty, or by placing others on personalty. He confessed that he had heard with great admiration the financial statement of the right hon. Gentleman, and also his speech on the legacy duty last night; but he feared that the right hon. Gentleman would find himself surrounded with insuperable difficulties when he went into Committee, and that his expectations of raising an increased revenue from personalty, under settlement, would be disappointed. He believed that the right hon. Gentleman would find that his proposal would create greater embarrassments than he imagined with respect to titles to land, and that, too, at a time when the desire was to simplify titles. He was surprised to find so little allusion had been made to the extent of the exemption under the income tax of personalty. He thought the right hon. Gentleman had understated the amount when he proved that land actually paid *2d.* in the pound more than trades and professions. He believed that instead of the deduction of 16 per cent which the right hon. Gentleman had made from the gross income of land, 20 per cent would have been nearer the mark. No allusion had been made in the scheme of the right hon. Gentleman to the amazing amount of personalty paying *7d.* in the pound, while land, according to the right hon. Gentleman's own confession paid *9d.* That personalty, from the funds, from mortgages, and from various other sources, amounted to at least 60,000,000*l.* a year, paid to what were called the "lazy recipients" of income from personalty. If land paid *9d.* in the pound, why should not personalty pay the same sum? At present it was admitted that personalty was exonerated to the extent of 500,000*l.* a year, for *2d.* in the pound on 60,000,000*l.* was 500,000*l.* a year. And yet personalty now appeared in court to complain of inequality! Under these circumstances he maintained that the legacy duty ought not to be imposed on realty till justice was done in that respect. He wished for no undue exemptions. He was not sure that the legacy duty was one which he would choose from which to raise a revenue. He would prefer an income tax and a house tax. A house tax was supposed to be a tax on expenditure; but he doubted if it was not really paid permanently, although often not temporarily, by the owners of real property; it fell on the occupier only in a district where house rent was rising. The law of supply and demand, he suspected, determined the rent of houses in the long run, and left the tax for the owner to pay. Under these circumstances, he did not see the justice of placing at the present moment the legacy duty on realty. It would have been more to the purpose if the right hon. Gentleman had taken up the question of the peculiar burdens upon land. There was not only a sum of 12,000,000*l.* of local burdens on land, but there was a similar amount of 12,000,000*l.* of Excise duties on land exclusively. He was in hopes that the right hon. Gentleman, in his comprehensive scheme, would have taken off the malt tax. He believed it would have been a great relief to the consumer, to the producer, and to morality, if the right hon. Gentleman had exchanged the malt tax for a beer tax. One reason why he had given his unqualified assent to the Budget proposed by the right hon. Gentleman the Member for Bucks, was, because it had appeared to him to unite in one comprehensive scheme the various claims of the community on the subject of taxation. The principle of that Budget was founded on financial justice to all parties—to the landed interest, as well as to trades and professions. It was upon that ground that he had supported the Budget of the right hon. Gentleman the Member for Bucks. It seemed to him that at the present moment, except on financial questions, there was little or no political difference between the political parties on great principles. For his part, if he could obtain financial justice to the landed interest, he would be disposed, like the hon. Member for Surrey, to give, under existing circumstances, a general but independent support to all Governments. Being determined to assist in obtaining justice for the landed interest, and feeling that it had been hardly dealt with in the late changes, he could not give his assent to a proposal which would lay further burdens upon it. He did not see why the hon. Member for Manchester—whose trade was now unfettered, for there was no excise on calicoes or on printed cottons—should seek to put the agriculturists in a category different from his own. He saw no reason why agricultural produce should be excised, and cottons and yarns allowed to go free. If licences were good for malt, they were equally good for yarn and hardware. He asked for financial justice to the landed interest before he could consent to impose upon them any additional tax. He asked those whose industry was now entirely unrestricted, to free the landed interest from its fetters, and to give it that justice which it had given to them.

Mr. PETO said, since he had had the honour of a seat in that House there were certain terms which he had often heard, but had never had the pleasure of hearing explained. He had heard, for example, of "peculiar burdens on land;" but never had he been told what those peculiar burdens were. Again, with regard to the phrase, "financial justice," he had never heard it stated what they were to do in order to carry out financial justice. As to the statement that "land had been hardly dealt by," he must say his own impression was that it had been more considered and protected than any other interest in the country, and that since protection was withdrawn it had prospered more than any other. What should he take as an index of general prosperity? It was generally considered when anything realised an increased price in the market, that that was an indication of prosperity. Now, having looked very carefully at the sales of land in the two counties with which he was more immediately connected—Norfolk and Suffolk—he was prepared to assert that in the last three years land there had realised 5½ years more purchase money than it did at any time within ten years immediately preceding the cessation of protection. As regarded the poor-rate, no one could say that the landed interest had not been largely benefited by the effects of the new commercial system, in diminished poor-rates, a reduction of the number of inmates in the workhouses, and the general prosperity of the working classes. Hon. Gentlemen seemed at a loss to recognise that if the nation prospered generally, the landed interest prospered with it. This was not a case in which they were dealing with individual interests: they had to deal with the interests of the nation as a whole; and believing that the Budget of the right hon. Gentleman approached nearer to complete financial justice than any other which he had met with, he should accord to it all the support that he could give. It had been argued in favour of the exemption of land from the legacy duty, that it was in many instances burdened with incumbrances. But Parliament had nothing to do with that; the land was not the only thing incumbered—the tradesman and the merchant were frequently incumbered also, and the land, if incumbered, did not, to the extent of the incumbrances, belong to the nominal owner. This was something like the arguments which had been brought forward at the time of the repeal of the corn laws about marriage settlements and daughters' portions. Parliament had nothing whatever to do with either; but what Parliament had to look to was, that there was no inequality in the taxation of the country. He could not see why freehold and leasehold property should be differently taxed—the tax upon leasehold any more than the freehold house. It was high time that those anomalies should be swept from the Statute-book, and that they should get rid of those remnants of class legislation. The hon. Member (Mr. Cayley) had referred to the burdens on land; but had he made any calculations as to what the poor man paid? He could tell them that thousands of poor men throughout the country could make those calculations, and did make them, and it was the true wisdom of Parliament not to give encouragement or excuse for making such calculations by protecting the rich man at the expense of the poor man. The general feeling throughout the country was in favour of the Budget. The people did not like the income tax, nor its imposition for seven years; but they were perfectly prepared to bear these evils in consequence of the large amount of good by which it would be accompanied. It was a matter of satisfaction that the taxes proposed to be removed were taxes upon the comforts and necessaries of the poor man. They were dealing with soap and tea—they were, in fact, by increasing the comforts of the humbler class, adding items of insurance for the safety of our own persons and the stability of the institutions of the country.

Mr. NEWDEGATE said, it was evident that the hon. Member for Norwich (Mr. Peto) had been a very short time in the House, for he had said that he had never heard that land was subject to any peculiar burdens of local or general taxation; that he had never heard this taxation described, or its incidence explained. If so, he could not have been in the House when the right hon. Member for Droitwich (Sir J. Pakington) opened the debate that evening; and although he was anxious to support the Budget of the Chancellor of the Exchequer, he could not be aware of the, for him, unfortunate circumstance, that the right hon. Gentleman had admitted that rateable property, including land, was subject to a large amount of peculiar and exclusive taxation. Then the hon. Member for Norwich (Mr. Peto) said, that land had risen in value by five years' purchase, subsequent to, and, if he (Mr. Newdegate) understood him rightly, in consequence of the repeal of the corn laws; the hon. Member seemed to speak of this with disappointment; he must view the rise in the price of land with the eye of a purchaser. But he (Mr. Newdegate) would ask the hon. Member whether there was no circumstance to account for the recent rise of prices, but the free-trade legislation? That legislation could not raise the prices of articles to which it was not applied—iron, for instance, and yet he (Mr. Newdegate) should think that the hon. Member must be aware that the price of railway iron had risen; that timber had risen in price also; in short, that the prices of all commodities and of labour had risen of late. He (Mr. Newdegate) should have thought that the hon. Member knew that this rise of prices was attributable to the great influx of gold. Why, the hon Member seemed to know no more of that extraordinary and unparalleled circumstance and of its effects, than he did of the existence and incidence of peculiar burdens on rateable property. This was very singular. The hon. Member was largely connected with commercial undertakings. The effect upon prices produced by the influx of gold was known by all the leading commercial men, was recognised in the money market, and understood by the Bank directors. But the hon. Member for Norwich seemed never to have heard of all this; and yet that circumstance must have entered into his calculations for all the works with which he was connected. This was very singular; his commercial knowledge and memory did not seem to assist his political judgment. He must have forgotten this circumstance; before entering the House he must have left his commercial recollections in the cloisters with his great coat. The Chancellor of the Exchequer, in introducing the Resolution for extending the legacy duty to real property, which was now before the House, had again quoted the authority of Mr. Pitt in favour of his measure. He might have quoted the same high authority in favour of the property and income tax, for Mr. Pitt was the author of both those measures in the first instance; but the Chancellor of the Exchequer had solemnly warned the House not to tamper with the property and income tax, lest they should impair its efficiency as a great weapon, essential to shield the country in times of emergency. But no emergency existed. Mr. Pitt, the author of those measures had proposed them to meet an emergency. He had carried the former, and proposed the latter as war taxes; but we were at peace. What were the circumstances under which Mr. Pitt proposed to extend the legacy duty to real property? He did so in 1796. In 1795 this country was involved in the vortex of the revolutionary war—was waging it against France, in alliance with the other Continental Powers; but in that year revolutionary France had conquered Holland; Prussia had fallen away from our alliance, and had capitulated to France; Spain, too, had capitulated to France; in the spring of 1796, the French armies, under Napoleon, had subdued Italy, and Mr. Pitt had sent the late Lord Malmesbury to Paris to negotiate terms of peace; but the French Directory had dismissed him at forty-eight hours' notice; and Ireland was threatened by the invasion of a French army under General Hoche. Such was the emergency of 1796. In that year Parliament was compelled to increase the national debt by more than 50,000,000*l.* The Chancellor of the Exchequer could plead the existence of no such emergency now, and had, therefore, no right to cite the authority of Mr. Pitt to justify his measure. Since he (Mr. Newdegate) had last addressed some few observations on this subject, the financial position of the country was changed. The House had been pleased to sanction the continuance of the property and income tax for seven years in its present unmitigated form, the extension of it to Ireland, and to incomes of 100*l.* per annum. This removed all chance of a deficiency, if the Chancellor of the Exchequer administered the finances with decent prudence, and left him scope for some financial reforms. The right hon. Gentleman had admitted the existence and pressure of peculiar taxation upon real property; he had frankly stated that real property paid 9*d.* in the pound to the property and income tax, whereas funded and other property and income paid but 7*d.* in the pound. He (Mr. Newdegate) had voted that this tax upon real property, including land, be reduced to the same rate as it was levied upon other property and income. He had done so for one reason, and for one reason only—because the measure before the House, the extension of the legacy duty to real property, formed part of the scheme of the right hon. Gentleman. He (Mr. Newdegate) had no wish that land and real property should not be highly taxed, more highly than other property; he thought this right and politic for many reasons, and for one especially, and that was, because real property and land were always visible, and excited the envy of those who did not possess them. He wished that the taxation upon real property should be its full share; but he wished that taxation to be raised in a form as obvious as the property upon which it was levied, and that there should be a reasonable and ascertained limit to the excess of taxation which it should bear. For these reasons he objected to the measure before the House, but had voted for the equalisation of the property tax on real property, because this measure was proposed in addition to the excess of the property tax on rateable property. However unjust it might be, he should, if the alternative were forced upon him, prefer an increase of the property tax on real property to this measure, because he knew that those who paid the legacy duty out of real property would get no credit for it, and because it divided the interest of the possessor from that of those who were to succeed him. It would levy a heavy burden of taxation from the successors to real property at the very time when they were least able to bear it. He had succeeded to a property, at such an age as to enable him to judge what would be the pressure of this tax upon the successors to estates. It often happened that the successor inherited an estate which had been neglected, sometimes because his predecessor was a distant relation, who took no interest in him; sometimes because his father had been struggling to provide for a younger family in his declining years; sometimes because his father's health had been for years declining, and he had been unable to attend to the improvement and repairs of the estate. When the successor entered, he was often met by heavy liabilities, by rents ill-paid, by the difficulties of a change of tenantry, by enormous demands for improvements and repairs, and that was the period at which this measure would mulct him by a heavy tax. Few of these demands and difficulties, comparatively speaking, affected the successor to personal property, but they generally fell with treble force upon the successor to real property, which was already the most heavily taxed. This measure afforded a specimen of the modern system of compensation in taxation. Let the House consider the tendency of modern finance in this respect. The repeal of the corn laws had injured the agriculturists; when they complained, they were told, "You will be compensated by the reduction of the sugar duties." That injured the colonists, and ruined many of them. How were the colonists to be compensated? Why, by the repeal of the navigation laws, and that injured the shipowners. We are pursuing this compensation by injury. The Chancellor of the Exchequer eloquently expatiated on the injustice to which the owners of leasehold property were subjected, because leasehold property was subject to the legacy duties, as well as to local taxation. Does the right hon. Gentleman propose to remedy this injustice by relieving leasehold property from legacy duty? Oh, no! that would be much too old-fashioned, and too reasonable. No, the right hon. Gentleman will compensate the owners of leasehold property by extending the injustice they suffer to all real property, which he proposes shall henceforth bear legacy duty, in addition to 9*d.* instead of 7*d.* in the pound property tax, and all local taxation. And for what purpose is this tax to be imposed? Why, to reduce more indirect taxation, which is general in its pressure on the whole community. This is the tendency of your legislation; you are narrowing the basis of your taxation, diminishing the number of those who contribute to it, and increasing their burden, while you relieve the many, to whom you propose next year to extend a larger share of political power—power to levy taxes of which they do not feel the pressure. This is a policy tending directly to confiscation. Now, let the Chancellor of the Exchequer or some Member of the Government rise, and, if they would attempt to justify this proposal, begin by attempting to reply to the as yet unanswered speech of the right hon. Member for Droitwich.

MR. BRIGHT said, that the hon. Member for the North Riding (Mr. Cayley) had made a somewhat pathetic appeal to him on the question of the excise taxes. But the hon. Member ought to bear in mind that the Budget made great remissions of the excise duties, and surely nobody expected that these duties would all be taken off at once. The time might come when there would be surplus sufficient to allow for the remission of the tax in which the hon. Member took so great an interest. But the hon. Member was one whose opinion ought to be taken with a great deal of suspicion on a matter like that before the House, for he had held very heterodox opinions on the subject of land, and what ought to be done for the land by that House. The hon. Member had himself furnished to Mr. Dodd—a gentleman who supplied some very valuable information to Members of that House — a statement which showed the opinions with which he had come to Parliament. He (Mr. Bright) believed that the hon. Member stated himself to have come to that House with opinions of this nature—that he wished so to legislate for agricultural protection, as to keep wheat fluctuating between 56*s.* and 70*s.*, and oats and barley at a proportionably high price. Indeed, the hon. Member had descended so far into the minute details of his scheme, as to provide for a constant and unchanging price in the articles of new milk, cheese, &c. Now, he did not blame the hon. Member for holding such opinions some years ago, because the majority then agreed with him; but as he had never since retracted them, he must be taken as a very partial witness, and one whose views would form a very unsafe base of legislation for the House. But he (Mr. Bright) had risen rather for the purpose of referring to the proposal of the Chancellor of the Exchequer, and the principle upon which it was founded; and he was bound to say that with regard to the main proposition exacting a succession tax on all descriptions of property, his belief was, that it was a wise, just, and beneficent proposition; and, further, he was quite satisfied that what his noble Friend below him (Viscount Goderich) had stated in his very excellent speech that night, was perfectly true, and that there was no question about which the people of this country were so generally anxious. He himself, speaking for the large population of the towns, could say that there was no question of taxation upon which the people had felt so strong an interest as this question of the legacy duty, and the Chancellor of the Exchequer had taken a very sagacious mode of carrying an unpalatable income tax through Parliament when he tied up along with it this proposition for a legacy duty. That measure, he believed, would enable the right hon. Gentleman prosperously to float through the Legislature a proposition which otherwise—he would make bold to tell him—would inevitably have been defeated. But, although he agreed to the general proposal to extend this tax, he must say that the right hon. Gentleman had used arguments with respect to the burdens on landed property which he had never expected to hear from that side of the House. The right hon. Member for Buckinghamshire (Mr. Disraeli), with an ingenuity never surpassed, had Session after Session endeavoured to prove that there were special burdens upon land which entitled it to exemption from taxation. He had said everything he could say in decency, and yet always failed to convince the House that there was anything real in the grievances he tried to substantiate; and the House and the country had regarded his complete abandonment of that idea with great satisfaction. But no sooner had that right hon. Gentleman given up the notion that landed proprietors had any claim to remissions on account of local taxation, than his great antagonist and successor took up the story, and based his mode of extending the legacy duty on that very fallacious and substantial grievance. The proposition of the Chancellor of the Exchequer was, that because real property paid poor-rates, land tax, and other taxes, therefore, in extending the legacy duty to that kind of property, it should be extended to it only in the proportion of one-half; for he computed that a life-interest was about half the value of the fee simple and absolute property. Hence, while money in the funds, property in banks, machinery, or merchandise, would have to pay from 1 to 10 per cent, according to the degrees of consanguinity, real or rateable property would only have to pay ½ to 5 per cent. He (Mr. Bright) protested entirely against that principle, and would not be thought to acquiesce in that which would hereafter be stoutly urged as a reason against making this tax equal on all descriptions of property. In Lancashire the land tax was very small indeed—there being very little property in the county at the time that tax was imposed, the greater portion of the county being a swamp. The case was the same in some other counties: some paid more, because they were richer at the time the tax was fixed; but the property since created had not been made chargeable to the tax; and if Gentlemen opposite wished that tax of 4*s.* in the pound to be extended to all property that could be rated, and the sum so raised applied to the remission of indirect taxes, he would not object to it. County and highway rates were merely payments of each district for advantages which that district enjoyed, and could not for a moment be pleaded as a reason why land or buildings should be exempted from their fair proportion of a succession tax. The fact was, all these special taxes were rapidly diminishing, by the diminution of pauperism, and the general increase of prosperity and wealth; and at that moment they were less a charge than they had been at any time during the last forty years. The largest portion of the rateable property in the kingdom had changed hands more than once in that period; and the present owners could have no sort of claim for special exemption in regard of taxes, the burden of which on their property was estimated when they became possessors of it. The Chancellor of the Exchequer had disappointed him in another respect. Though the right hon. Gentleman was a man of marvellous ingenuity in debate, and also in finance, his ingenuity seemed to run altogether in one direction; and he did not appear to have exercised the powers of his mind on the income tax, to complete such a system of discrimination as the country required, but rather to show objections to that discrimination; but when they came to the legacy duties, all the powers of his mind had been bent towards arranging a scale which, while it appeared to lay this tax equally on all property, did in reality only extend half its pressure to the property hitherto exempt. At the same time, he had not attempted to touch the probate duty, which was about equal to the whole of the legacy duty. The right hon. Gentleman, however, could not do everything at once; probably, at some distant period, he conceived, the probate duty might either be taken off the property now paying it, or extended to the property now exempt. He could not conceive it just that it should remain chargeable on one description of property, while another, not less important in amount, was entirely exempt. When this question came to be considered again, he hoped the House would not be unanimous in adopting the principle of charging rateable property with only half this tax, because rateable property was rated. He held that principle to be wholly fallacious and unjust, and was therefore anxious to record his protest against it, with liberty to vote in future for any proposition which should equalise and extend the tax over all the property of the country. He had last evening asked a question with respect to railway property, and inquired on which side of the line it was intended to be placed—the rateable or the non-rateable; and from the answer of the right hon. Gentleman he gathered that railway property was to come on that side of the line which paid the whole duty; but that proposition could not be maintained. Land and houses, when valued to the succession tax, were to be valued net, and not with the rates added; the net income of an estate was to be taken, and multiplied by the number of years' purchase, according to the value of the life of the successor, in order to discover the amount to be taxed. Surely that must be equally the case with regard to railway property, which bore a larger proportion of local burdens than any other description of property, and it would be most unjust that it should pay a larger sum to the succession tax than rateable property. The right hon. Gentleman had not said anything about property in mines. He believed it was not rated to the poor; and the House would be glad to hear from the right hon. Gentleman on which side of the line it was to be placed. A similar question might also be asked with respect to those forests or rather tracts covered with timber, which were not rated to the poor. He mentioned this, that the attention of the right hon. Gentleman might be called to the point, and for the purpose of showing him the line he proposed to draw between rateable and non-rateable property was one that would involve very considerable difficulties; and the justice of the case would have been more consulted, and the tax more easily collected, if this new and ingenious distinction had been avoided, and the tax had been extended equally to all descriptions of property. The mode of taking a life interest under a succession tax was not altogether just. When property, entailed or otherwise, passed by death from one man to another, the State should not regard the age of the successor, but only the amount of property, and a certain equal percentage should be taken from the whole of it. He had stated a case where the same property had paid this tax five times in 16 or 17 years; and it might be the same with regard to personal property hereafter. He would refer to one other point, the property of corporations—a very large property—for instance, the property of the London companies in the north of Ireland. There was the property of the Church, and various other corporations, which paid income tax; they were secured by law, they were rendered permanent and safe by the protection of the State; and unless the monstrous principle was adopted that they ought to pay no tax whatever of any kind, there was not the slightest justification for excluding them from the tax now about to be extended to similar property. It might be said that property of this description did not fall into a new possession by reason of death. This was quite true of corporations aggregate; but the right hon. Gentleman had averaged the period at which this property was in the hands of one possessor or generation at 30 years. If that were true, it would be easy to levy a certain percentage on the property of corporations aggregate, every 25 or 30 years, With regard to corporations sole, bishops, rectors, and so forth, the succession there was by death, though not by will; but the property reverted again into the possession of the State, and the State, through the Lord Chancellor or Prime Minister, placed some bishop or dignitary in possession of it for his life. He believed there was no property in the country that required more the defence of the law—of the statute law—to maintain it in its present position than did this property. Vattel said that there was no reason why property of this nature, which had been devoted to Church purposes, should not, when the emergency arose, be appropriated to the service of the State—because it was, no doubt, highly acceptable to God that property of that nature should be appropriated when the exigencies of the State required it—it being highly acceptable to him that States should be preserved from peril of any kind. He gave the Chancellor of the Exchequer credit for the courage with which he had dared to touch this subject at all. But for that, no doubt, his income tax would have been defeated, and perhaps the present Government would not have survived an attempt to carry the income tax in its present form, unless they had linked it with a proposition which the country approved from one end to the other, namely, that the tax upon successions should be levied upon all the property of the country.

MR. DISRAELI rose, amid cries of "Divide, divide!" and recommended his Friends on that side of the House not to offer any opposition to the Resolution in that stage, in order that the Government might introduce their Bill, and that the sense of the House might be taken on the second reading, when they had the details of the plan fully before them.

Question, "That the words proposed to be left out stand part of the proposed Resolution," put, and *agreed to.*

Original Question put, and *agreed to.*

House *resumed.*

CUSTOMS, ETC., ACTS.

House in Committee.

The CHANCELLOR OF THE EXCHEQUER said, he wished to explain that the reason why he had proposed that the House should go into Committee was to give effect to the intention which he announced last night, of passing the Resolutions on the assessed taxes in a general form in Committee, so that he might be able to found upon the Vote of the Committee a Bill in which the details of his plan would be described in a more complete manner than was possible within the limits of a Resolution.

The CHAIRMAN then read the Resolutions on the Assessed Taxes.

MR. CRAVEN BERKELEY: Sir, perhaps the right hon. Chancellor of the Exchequer will have the kindness to explain what appears to be a matter of doubt with regard to packs of hounds. I wish to ask the right hon. Gentleman whether masters of hounds are to be assessed at 12*s.* for each hound they keep, or whether they are to be permitted, as heretofore, to compound for the whole pack?

The CHANCELLOR OF THE EXCHEQUER: The question which is just put to me affords an apt illustration of the utility of the course which the Committee have been kind enough to allow me to adopt—of passing the Resolutions in a general form. When the Bill is introduced, the hon. Member will see it is not proposed to interfere with the system which at present prevails with respect to packs of hounds.

SIR FITZROY KELLY said, he hoped it would be distinctly understood by the Committee that the Resolutions were assented to *pro formâ*, in order to facilitate the despatch of public business, and that it would be open to every hon. Member to discuss any point they pleased when the Bill was brought under the consideration of the House.

The CHANCELLOR OF THE EXCHEQUER said, he would lay on the table of the House an amended copy of the Customs Resolutions, containing certain modifications which the Government had thought right to make, which would be printed and circulated with the Votes tomorrow morning.

MR. BRIGHT said, he would suggest to the right hon. Chancellor of the Exchequer whether, before he brought in his Bill, he would not consider the propriety of getting rid of those absurd taxes on armorial bearings and hair powder. Hon. Gentlemen cheered when the question of the hounds was under discussion, from a sympathy, he supposed, with that class of subjects in the realm. With regard to these taxes, he could not be suspected of any personal interest; but he knew there were a great many cases in which men who had happened to seal a letter with the impression of some animal, not to be found on the earth or out of the earth, were called on by the surveyor to pay a tax. The general impression was that this was a tax upon rich people, who could afford to pay—a tax on pride and luxury. For his part he thought, when a great country was laying on taxes to the amount of 50,000,000*l.* or 60,000,000*l.*, when they were considering millions and not small trifles, it would be far better to abolish two taxes of this nature, which went very much to make our system of taxation ridiculous. He did not recollect the amount received, but it must be very small; whilst the irritation, annoyance, and vexation were oftentimes considerable. He did not submit any Motion then, but he would suggest that the abolition of those two taxes would meet the views of both sides of the House.

COLONEL SIBTHORP said, he had a suggestion to offer to the right hon. Chancellor of the Exchequer for a new tax, from which a large sum of money might be realised, at the same time that it would tend to the relief of native industry, a thing for which he would always stand up. His suggestion was, that the right hon. Gentleman should impose a tax—and a heavy one too—on the lamentable influx of foreigners into this country. [*Laughter.*] He knew he had been often laughed at in that House and out of it—and he did not know but that he might be mobbed, but he would always declare, that it was deplorable to see the sums of money that were carried out of England by foreign opera dancers and singers. Foreigners were encouraged too much in this country. They interfered with native talent. He was sorry to say that the higher classes encouraged all foreigners, whether of character or not—male and female. He was sorry to see enormous sums carried out of the country by a set of persons who only laughed at the English for being such consummate fools as to forget their own countrymen and women. He thought the Chancellor of the Exchequer had now a fair opportunity of taking native talent and industry into consideration, by putting a tax on those who dared to come into this country, and without a single claim on our regard, to overwhelm our own country people, who ought to be protected by that House.

The CHANCELLOR OF THE EXCHEQUER said, he had understood he had the permission of the House to go into Committee for a merely formal purpose, in order that the Resolutions might be passed as the foundation of a Bill, and not to enable them to enter into the merits of the propositions. He, therefore, hoped that his hon. Friend the Member for Manchester (Mr. Bright) would not call upon him to enter into the question he had raised, and that his hon. and gallant Friend opposite (Col. Sibthorp) would also excuse him from entering into a discussion upon his propositions.

COLONEL SIBTHORP said, he could only tell the right hon. Gentleman then, that he should state the matter again on a future occasion; it should not be forgotten.

Resolutions *agreed to.*

EXPENSES OF ELECTIONS BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. CRAVEN BERKELEY, in moving the Second Reading of this Bill, said, there was no objection to the principle; on the contrary, he had received every assurance of support on both sides of the House. He would appoint an early day for going into Committee; and if Gentlemen would do him the favour to express their opinions as to any alterations, he should be happy to consider them.

COLONEL SIBTHORP said, he felt it his duty to oppose the second reading of this Bill. He did not want to have any election in which he was concerned a sort of mourning or funeral party, with scarfs and hatbands, mortcloths and tapers. He wished to see more expense and more merriment at elections. He was not one of those scurvy candidates who, while they professed to have the deepest anxiety for the welfare of constituencies, conducted all their proceedings upon a cheap, dirty, mean, and nasty system. Some people were afraid to spend a sixpence at elections—they had not the heart to do it; but for his part he liked to see his constituents enjoy themselves; and he would never strive to curtail their innocent pleasures. It was an old and established maxim, *In vino veritas.* Give a man some genial liquor to drink, and he will open his heart to you. What was the House asked to do? They were asked to sanction a mean and secret sort of proceeding, infinitively worse than the ballot, that indecent and disgusting importation from foreign parts. He would oppose the Bill in every way he could.

Bill read 2°.

RYE WRIT—ADJOURNED DEBATE.

Order read, for resuming adjourned Debate on Amendment proposed [12th May], to be made to Question [2d May], "That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a New Writ for the electing of a Baron to serve in this present Parliament for the Town and Port of Rye, in the room of William Alexander Mackinnon, esquire, whose Election has been determined to be void:"—And which Amendment was to leave out from the word "That" to the end of the Question, in order to add the words "no New Writ be issued for the Town and Port of Rye until Friday the 27th day of this instant May," instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

VISCOUNT PALMERSTON said, he had no objection, on the part of the Government, to urge to the issuing of the writ; but at the same time he was disposed to leave the question entirely in the hands of the House. It did not appear there was any strong ground for suspending the writ; and the general practice was, that if the issue of the writ was postponed, it would only be with the view of bringing in a measure bearing upon the place for which the writ was to issue. He understood it was the intention of an hon. Member to give notice of such a Bill; but, as far as the Government was concerned, no opposition would be offered to the issue of the writ.

MR. BASS then rose, but was received with loud cries of "Spoke!" which obliged him to resume his seat.

MR. SPEAKER said, if the hon. Gentleman had already spoken in this debate, he could not address the House again.

SIR JOHN SHELLEY: In order that fair play may take place with regard to the borough, I am anxious to hear what the hon. Gentleman the Member for Derby, who has taken the question into his hands with reference to the postponement of the writ, has to say on the subject. To enable him to make his statement, I move that the House do now adjourn.

MR. BASS seconded the Motion.

MR. GOULBURN said, the hon. Gentleman, having seconded the Motion, could not speak again upon it.

MR. BASS, who was again received with loud cries of "Spoke!" said, he only desired to state, in answer to what he supposed to be the suggestion of the noble Lord (Viscount Palmerston), that he should ask the leave of the House to introduce a Bill for the disfranchisement of the borough of Rye.

SIR JOHN SHELLEY said, he would withdraw his Motion by leave of the House. [*Loud cries of* "No, no!" *and* "Divide!"]

Motion made, and Question put, "That this House do now adjourn."

The House *divided:*—Ayes 52; Noes 193: Majority 141.

Question again proposed, "That the words proposed to be left out stand part of the Question."

MR. FREWEN said, the evidence taken before the Committee was very voluminous, and hon. Members had not yet had an opportunity of reading it. He was therefore in favour of the postponement of the writ.

VISCOUNT PALMERSTON said, he had been misunderstood in what had fallen from him on the subject of the writ. What he had said was, that, on the part of the Government, he was not prepared to oppose the issue of the writ. He had stated, that in the general course of proceeding, writs were not postponed, except with a view to ulterior proceedings; but the House would recollect that all the members of the Committee stated there was no ground for disfranchisement. There appeared, therefore, no ground for postponing the writ.

MR. MILES said, the House must recollect that this was the second Committee which had sat upon the question; and that consequently the matter had been fully investigated. As the Committee had not recommended the postponement of the writ, he thought it ought to issue.

COLONEL KNOX said, he regretted that he felt compelled to come to a different conclusion. If they issued the writ in this case, it would render their proceedings on election petitions a perfect farce. This was a very flagrant instance, for in addition to a most vicious system of loans, it was notorious that the grossest treating had been resorted to. Yet it was only the other day that they refused the writ for Harwich, where there was hardly a tittle of evidence. Here was a case in which the hon. Gentleman who had been unseated had deposited 2,000*l.* with his banker, the whole of which was expended in the most corrupt practices; and out of thirty-nine public houses, thirty-four had been opened for the purpose of demoralising the electors.

MR. J. PHILLIMORE said, he entirely concurred with the hon. and gallant Member who had last spoken. If this writ were allowed to issue, the House would expose itself to the charge of hypocrisy in the measures they had taken for the repression of corrupt practices.

MR. TUFNELL said, he considered that the only safe course was to go by the opinion of the Committee. The majority of the constituency of Rye appeared to be as pure as any constituency could be, and as it was idle to suppose that there was any chance of passing a Bill for disfranchising the borough, he was decidedly of opinion that it was the bounden duty of the House not to keep the constituency any longer from the exercise of their electoral privileges.

SIR FITZROY KELLY said, he should support the issuing of the writ. He thought it was neither constitutional nor just to suspend issuing a writ unless with the view to some ulterior proceedings which it was expected would terminate in the disfranchisement of the borough. The first Committee on the Rye election recommended the suspension of the writ in order that a further investigation should take place. Accordingly, another Committee was appointed, and the result of their inquiry was now before the House; but the Chairman of that Committee had expressed himself favourable to the issuing of the writ. Under those circumstances—though he was the last man to defend the practices which had taken place—he should vote in favour of the writ being issued.

The LORD ADVOCATE said, as a Member of the Committee, that if they thought there was a case made out for the disfranchisement of the borough, they would certainly have recommended the suspension of the writ, and it was because they considered there was no such case that they had not adopted that course.

LORD ADOLPHUS VANE said, the country would look with astonishment upon the course adopted by the House, with regard to the issuing of writs. The hon. Baronet the Member for Westminster (Sir J. Shelley) set himself up as a kind of public prosecutor; but a person who assumed such a character, he thought, should be a little more consistent. He was continually getting up making statements, and moving resolutions, either for the delay of writs, or for the prosecution of men. A great many of these party debates, he (Lord A. Vane) would suggest, might be avoided, if some Government would bring forward some uniform rule for the guidance of the House.

Thinking it was too late an hour to discuss the issuing of the writ, he would move that the debate be adjourned. He believed that the revelations with regard to Rye were stronger than those in any other case that had come before the House.

Motion made, and Question proposed, "That the debate be now adjourned."

SIR JOHN PAKINGTON said, he hoped the noble Lord would not press his Amendment. He trusted the House would endeavour to divest these questions of party politics, and to decide upon them judicially. He looked upon the present question as one of justice. In his conscience he was convinced that there was no ground for the disfranchisement of the borough, and he must therefore vote for the issuing of the writ.

VISCOUNT SEAHAM said, he had always made it a point on divisions for the issuing of writs to vote in the same lobby with the Chairman of the Committee. He regretted to say that in the present instance he could not vote with the right hon. Baronet (Sir J. Pakington, because he believed there was a necessity for further inquiry.

MR. BASS said, the Committee stated in their Report that the remedy for the corruption existed at Rye should be provided for by future legislation. What was the good of the Committee making such a Report if another man was to be elected by similar corrupt means? He was informed by a gentleman who had long represented the borough, and who had authorised him to make the statement, that not only was the borough of Rye under the control of Mr. Jeremiah Smith, but that he had actually offered it for sale. That was not a mere rumour, for there were gentlemen who could prove that he had offered to enter into negotiations with them for the sale of his influence. It would be an absolute farce to issue the writ, when it was well known that the electors could not exercise their freedom of choice.

LORD ADOLPHUS VANE said, he would withdraw his Amendment.

Question put.

The House *divided*:—Ayes 118; Noes 99: Majority 19.

Main Question put, and *agreed to.*

MALDON WRIT.

MR. T. CHAMBERS said, he would now move that Mr. Speaker do issue his warrant to make out a new writ for the electing of two burgesses to serve in the present Parliament for the borough of Maldon.

Motion made, and Question proposed—

"That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a New Writ for the electing of two Burgesses to serve in this present Parliament for the Borough of Maldon, in the room of Charles Du Cane, esquire, and Taverner John Miller, esquire, whose Elections have been determined to be void."

LORD ROBERT GROSVENOR said, he would submit to the hon. and learned Member that it was not desirable that a new writ should issue for Maldon at a time when an Address from that House to the Throne for a commission of inquiry into the practices at elections for that borough, had been sent up to the other House for the consideration of their Lordships. He understood that a Motion would be made, after the Whitsuntide recess, by the noble Lord at the head of the Government, that their Lordships should concur in that Address.

VISCOUNT PALMERSTON said, he thought that, under the circumstances, it was impossible for the House to agree to the Motion for the issuing of a writ, there being an Address to Her Majesty at this moment before the other House of Parliament on the subject of the election at this borough.

MR. T. CHAMBERS said, he would withdraw the Motion.

Motion, by leave, *withdrawn.*

The House adjourned at a quarter before One o'clock till *Thursday* next.

HOUSE OF COMMONS,

Thursday, May 19, 1853.

MINUTES.] NEW MEMBERS SWORN.—For Berwick-upon-Tweed, Dudley Coutts Marjoribanks, Esq., and John Foster, Esq.; for Maidstone, William Lee, Esq.

NEW WRIT.—For Clitheroe, *v.* Matthew Wilson, Esq., void Election.

PUBLIC BILLS.—2° Excise Duties on Spirits; Customs Duties on Spirits; Convicted Prisoners' Removal and Confinement.

AGRICULTURAL STATISTICS.

MR. SANDARS said, he wished to ask the right hon. President of the Board of Trade, what course Her Majesty's Government intended to adopt this Session of Parliament with the view of introducing a system of agricultural statistics into the United Kingdom; and in putting this question to the right hon. Gentleman, he begged to inform him that in the month of December last he put a similar question to the right hon. Gentleman's predecessor, who informed him that an experiment was about to be tried in two or three of the Scotch counties through the Royal Agricultural Society of Scotland. Perhaps the right hon. Gentleman would at the same time inform the House what progress had been made in that experiment?

Mr. CARDWELL said, that through the agency of the constabulary, information such as the hon. Gentleman desired with reference to agriculture had already, so far as Ireland was concerned, been laid upon the table of the House. With respect to Scotland he had to state that the Highland Agricultural Society were taking considerable pains to furnish information of a similar character. The inquiry which had been instituted by that body, however, did not embrace the whole of Scotland, but was limited to Sutherland and a few other counties. In England an inquiry into the state of agriculture had been also set on foot, and would be prosecuted during the present year in Hertfordshire and Devonshire. The experiment in both Scotland and England was upon a limited scale; but he hoped that arrangements would be made for a more comprehensive scheme of inquiry in connexion with the subject of agriculture in the United Kingdom than at present existed.

STATUES IN THE METROPOLIS.

Mr. BARING WALL begged to ask the right hon. Baronet the Chief Commissioner of Works (Sir W. Molesworth), whether the bronze statues in the metropolis are ever inspected, or the rust cleared off, and whether they are under the control of any Government office, and whether it is intended, before the scaffolding is removed from the statue of Charles I. at Charing-cross, to repair it?

Sir WILLIAM MOLESWORTH said, that the Board of Works were not officially bound either to inspect the statues in the metropolis, or to see that they were cleared from rust. With respect to the second portion of the hon. Member's question, he should observe that the bronze statues were not under the control of the Government department of the Board of Works; while with reference to the statue at Charing-cross he had to state that he had ascertained that the repairs of the statue and pedestal would cost a sum of about 1,000*l.*, and that there was no immediate necessity for making any repairs in that statue. At the end of a year, however, it might be desirable to ask a vote to the amount of 1,000*l.* for that purpose.

ADMISSION OF THE JEWS TO PARLIAMENT.

Mr. MILNER GIBSON said, he wished to put a question to the noble Lord the Member for the City of London, of which he had received notice previous to the recess. A Bill had passed that House for the purpose of relieving the Jews from certain disabilities, and had been rejected by the other House of Parliament. The City of London had returned a Jew to represent it, but that Gentleman was unable to discharge his duties. The seat was full, and a new writ could not issue. Holding the noble Lord responsible for the arrangement of business in that House, and in reference to the very peculiar position of the City of London, he wished to ask him what course he would advise the House to take, and also whether it was the intention of the Government to make any further effort during the present Session, or at any future time, to settle this important question.

Lord JOHN RUSSELL said, he had to state, in the first place, that he did not think this question could be settled by leaving it as it stood at present. In his opinion it was much more probable that it would be settled by a Bill which should make a general alteration in the oaths to be taken by Members of Parliament, than by recurring to a Bill of the nature of that lately rejected by the House of Lords; but at what time such an alteration might be proposed, he could not at present undertake to say. He, however, might observe that a Bill had been introduced into the other House of Parliament for an alteration of the oaths. He had not seen that Bill, but it was possible that it might be sent down in a short time, and in such a shape as to remove the difficulty which now existed.

EXCISE DUTIES ON SPIRITS BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Captain JONES said, if the right hon. Gentleman the Chancellor of the Exchequer had informed him when he intended to propose his Resolution for the imposition of an additional duty of 8*d.* on Irish spirits, he should have opposed it. Being precluded from taking that course at present, he would not detain the House with any lengthened remarks. He felt bound, however, to express his opinion as to what would be the result of the change. In 1842, when Sir Robert Peel proposed an addition of 1*s.* to the duty on Irish spirits, he ventured to tell the right hon. Baronet that he must not expect any increase of revenue—that he would fill all the gaols, and encourage illicit distillation, and would be compelled to retrace his steps. Before a year had passed, his prophecy was verified, and the additional duty was removed. He now told the Government that they were about to repeat the experiment, and that the result would be precisely the same. It was true that the addition was now to be 8*d.* instead of a shilling; but that amount was quite sufficient to produce the effect. From a return moved for by the hon. Member for Salford (Mr. Brotherton), it appeared that, in the five consecutive years from 1834 to 1839, the consumption of spirits in Ireland varied from 12,000,000 to 10,800,000 gallons. After the addition made in 1842 the quantity brought to charge came down to 5,000,000 gallons. It was not to be supposed that one drop of whisky less was consumed; the deficiency was made up entirely by illicit spirits. After the additional duty had been removed, the quantity of spirits gradually increased until the year 1851. In the financial year, ending March, 1852, the quantity was 7,500,000 gallons; in the year just passed it was 8,208,000 gallons; and if the present duty were allowed to continue, he had no doubt the consumption would soon be 10,000,000 gallons. In this way, the Chancellor of the Exchequer might expect to obtain some addition to the revenue; but none could be got by means of an increase of the tax on spirits. It was, from the nature of the country, utterly impossible to prevent illicit distillation, so long as there was a premium upon it. It was not his intention to divide the House against the second reading, but he must be allowed to enter his protest against the proposed increase of the duty.

Bill read 2°.

INDIA—QUESTION.

On the Order of the Day for going into Committee of Supply,

LORD JOHN RUSSELL said, he wished to give notice that on Friday the 3rd of June, his right hon. Friend the President of the Board of Control would state the views of Her Majesty's Government respecting the future government of India.

On the Question, That Mr. Speaker do leave the Chair,

MR. RICH said, notwithstanding the notice which had just been given on the subject of India, he entertained such a strong feeling with regard to the administration of Indian affairs, that he could not forego the present opportunity of pressing the question of which he had given notice, on the Motion for going into Committee of Supply. He thought it was for the interest of the Government, for the interest of this country, and especially for the interest of India, that the question should be maturely considered before they attempted to legislate upon it. He would remind the House that the original appointment of the Select Committee took place at a very late period; the subjects upon which it had to report were very numerous, and the House had as yet received a report on only one of the eight heads of inquiry which had been instituted: and that a vast mass of information still remained behind, which it was almost essential should be in the possession of the House before they attempted to legislate on its subject-matter. There were, he knew, some who were anxious for immediate legislation, because they thought that the public mind was excited against the East India Company, and that such an occasion should be taken by the forelock. On the other hand, others were afraid of the consequences which a prolonged agitation of the question might produce among the inhabitants of India. No doubt the probing of a wound was painful, but it was the wisest method towards healing it. Were there no imputation against the East India Company, its charter ought, of course, to be renewed without question; but no man in that House would get up and say that the administration of Indian affairs for the last twenty years had been satisfactory. As to the danger of Indian agitation, it was not to be supposed that India was to be excited because the public here might feel an increasing interest in its government; and it should be borne in mind that a proper settlement of the question would conduce to the permanent tranquillity of that country. With regard to the Select Committee, though he had no wish to speak of it with disrespect, he must say that it had acted in a manner only to deserve severe animadversion. In its first report it mistook the ship for the cargo—the machinery of government for the Government itself. The aim of the Committee should have been an inquiry into the whole working of government, and not a mere examination into the official relationships of Leadenhall and Downing-street. As he took it, it should be an inquiry into the progressive well-being of the whole people of India, how they were governed, and what had been done to improve their social, physical, moral, political and intellectual condition. As far as these points were concerned, the Committee had not really done anything. They had merely reported — what? Not even their own opinions, but those of the witnesses they had examined, and who most naturally expressed a favourable opinion as to the present system of Indian administration. For who were those witnesses? Eighteen Gentlemen, individually to be spoken of with all respect; but every one of them deeply interested in the past, present, and future of the East India Company. Three had been Governors General of India, six Members of Council and Commissioners of ceded provinces, three East India Directors, a Secretary of the India House, and a Chief Clerk of the Board of Control. Some were still in the receipt of high salaries, others had received high honours, or were enjoying or expecting great emoluments or honours, and all had been or were more or less administrators. It was not his wish to undervalue the information communicated by these gentlemen; but the country wanted also independent opinions, and desired to know how the government of India had really worked. Strong assertions had been made out of that House, and a blue book had been produced within it; but a great deal more remained behind. They had heard nothing, for example, of the naval and military armaments of India; and yet it had been broadly stated that no native Indians, except of the lowest caste, would now enter into a service, where they could not rise, whatever might be their worth or ability, to any rank which exempted them from being commanded by the rawest and most ignorant English ensign. The time had been when the sepoys had crossed bayonets even with the French; but they were then officered and led on by natives, and had a spirit of confidence and self-respect; whereas now both spirit and discipline were relaxed, and everything confided to the English officers, who looked on the native soldiers with contempt. The despatches of Sir Charles Napier abundantly proved this; and the Earl of Ellenborough stated in his evidence that, with few exceptions, the younger officers in the native regiments treated the natives with a want of respect which was highly detrimental to the service, and that in some instances the adjutants did not even know the names of their own native officers. He added also, that a mutinous spirit had shown itself more than once in the Bengal army. The present plan of officering the army was based upon an unjust system of private patronage, and it might be a question for consideration whether one-half of the native army should be officered by native Indians. But the evil did not stop here. At present every officer of ability, or who had interest, managed to escape from his regiment as soon as he could, by obtaining either a staff or a civil appointment. He found, from an official return, that the Indian army recently included 4,716 officers, of whom 948 were absent on leave, and 1,040 were employed in the civil service, or held staff appointments, leaving only 2,728 for regimental duty. By analysing the return still further, he found that while Her Majesty's troops had for every twenty-five soldiers one officer present at head-quarters, the East India Company had in its European regiments only one officer for every fifty men, and in the native regiments not quite so much as one officer for every hundred men. Looking to these facts, he would ask whether they did not throw much light upon the terrible, sanguinary, and almost doubtful contests of the Punjaub, and the calamities of Cabool; and whether, at the same time, they did not disclose a state of things which, threatening the stability of our power, called loudly for inquiry and redress? But if such was the state of the Indian army, what was the state of Indian finance? In this country one year's deficit would alarm a Ministry; but in India during the last thirteen years, twelve had been years of deficiency. One year there had been a surplus to the amount of 300,000*l.*; but the deficits on the other twelve years averaged above 1,000,000*l.* annually. In 1833, when the Charter was renewed, the debt amounted to 33,000,000*l.*; but, deducting the commercial assets of the Company, then giving up trade, it was really only 29,000,000*l.*, whereas at the present moment it exceeded 50,000,000*l.* Here was an accumulation of 21,000,000*l.* in less than as many years. True the revenue had increased, but in no proportion to the rate at which the debt had increased. In 1782, when the Charter was granted, the debt and revenue were nearly equal, about 8,000,000*l.*; in 1833 the debt was 29,000,000*l.*, the revenue 14,000,000*l.*;

and at present the revenue was 20,000,000*l.*, and the debt above 50,000,000*l.*, one having increased two-and-a-half fold, while the other (the debt) increased sevenfold. It might be said that with an improved Charter this state of things would improve; but that story was as old as the Charter itself. Lord Melville, in 1793, had foretold a near and certain surplus; so had the Duke of Wellington ten years later; and when the Marquess of Hastings had effected what was called the pacification of India by the termination of the Mahratta war, he not only repeated the prophecy, but went so far as to declare that its probable amount would be 4,000,000*l.* annually. Even so late as the time of the Marquess of Dalhousie, the Saturnian reign was again promised, but it had never come. What was the inference from these miscalculations and failures of these resolute and eminent men? Why, that the present system was radically bad—that its tendencies to war and extravagance were too strong for even these strong men—and that no change for the better could be expected from mere modifications. The next point upon which he would touch was the judicial department, which certainly required to be thoroughly investigated. There was no provision whatever for the special education of those gentlemen who were called upon to administer the law in India. Mr. Campbell, a distinguished civilian in Bengal, showed the sad revealed mysteries of the judicial system. He stated, that when a man was fit for nothing else, he was considered good enough to be a Judge; that many civilians were made Judges, in order that they might be got rid of; that when any collector mismanaged his district, he was therefore often proposed to be a Judge against his will; that, in short, the judicial bench was a refuge for the destitute. Mr. Norton, a Madras barrister, declared that those who occupied the judicial bench were totally incompetent for the decent fulfilment of their duties. The justice of these gentlemen's animadversions was supported by a Bengal return showing, that out of 567 criminal trials there had been 338 appeals, and in 131 cases the decisions of the inferior courts had been reversed, that is to say, little more than two chances to one in favour of a just decision. Education, also, was a subject of vast importance, and on which the information was most meagre and unsatisfactory; and closely connected with this was the elevating the Indians by a right distribution of the Company's patronage. It was alleged that if we gave a share of that patronage to natives, our rule would not be worth a year's purchase. It was said that India, having been won by the sword, must be held by the sword; but he thought that was a sentiment which would find little re-echo in that House. There might be some, however, who believed that India required what was called a paternal Government, which would do everything for the natives, but not by the natives. In that opinion he did not concur, for he considered it to be the duty of every governing body to instil manly, noble, and generous sentiments into its subjects by employing them in the administration of their own affairs; and in his view no stronger stigma could be cast upon the Government of any country than that which had been thrown upon the East India Company by its own Secretary, when he said, that the people of India were unfit to be entrusted with appointments of high trust and emolument. That, however, was found not to be the true reason for their exclusion; for a still harsher tone was subsequently taken by Mr. Melvill, declaring that the present system was one of native agency and European supervision; and that it was necessary to keep up the distinction in order to retain that salutary deference which had hitherto been paid to Europeans by the people of India. Now, he was at a loss to imagine what "salutary deference," to use the phrase of Mr. Melvill, could arise from the practice of injustice, or from excluding a whole people from the administration of their own affairs. But, after all, perhaps the truer reason peeped out when Mr. Melvill affirmed, that it was necessary the patronage should be entirely in the hands of the Company, in order to sustain its position at home, and maintain a useful sympathy, not with the natives of India, but with its servants there. In plain English, it was necessary the whole of the patronage of India should be vested in the Company, in order that they might bestow it upon their own friends and relations. He contended that this was no reason at all why the natives of India should be excluded from the administration of their own affairs; and the objections thus raised were an aggravation of the original injustice. But a paper had been brought forward to prove that there were 2,800 native Indians employed under the Company. What were their employments? Why, 1,100 of them were paid at the rate of from 1*s.* 6*d.* to 6*s.* 8*d.* a day—mere labourers' wages;

about the same number were paid at the rate of from 6*s.* 8*d.* to 13*s.* 4*d.*—mere artisans' wages; 277 enjoyed salaries of between 200*l.* and 300*l.* a year—mere clerks' wages; and the rest had between 400*l.* and 500*l.* per annum. That is to say, some 300 natives out of a population of 150,000,000 gain, at the close of a long servitude, places and salaries which the youngest and most ignorant civilian would scorn on the day he left college. With respect to the question of works, he would only say that the Company had been most negligent even as regarded their own interests. Amongst many instances, it appeared that rather than spend a few thousand pounds, the Company had allowed a large tract of country to be swept by an inundation, which destroyed about 100,000 people, a large amount of property, and land yielding about 1,000,000*l.* of revenue. He likewise complained of the conduct pursued by the Company towards neighbouring States, and of the dangerous results of our treatment of the subsidised and protected States, concerning which we were furnished with no information whatever. He condemned the system by which the greater number of the Directors were kept in total ignorance of the most important political proceedings respecting India; while their Secret Committees were compelled to sign orders and despatches of which they entirely disapproved, and against which they could neither protest nor even remonstrate. The whole system now in operation was cumbrous and extravagant in its machinery, was based upon an unsound and injurious plan of private interest and favouritism, was attended by the maladministration of justice and other crying evils, and had, as its final result, bankruptcy looming in the distance. He did not mean to say that all these charges could be proved, but he did say that they were supported by statistics, and bore an appearance of truth. At all events there was a sufficient case made out for inquiry. The government of India by the East India Company was asserted to be so ill managed, that that House was called upon to interfere and to protect the natives of India from its evil fruits. It was incumbent on the East India Company to stand up and to refute the charges that were made against them, not by mere assertion, but by means of examination and cross-examination before the Committee of that House; and when that course should have been taken, Government might proceed to legislate with dignity and advantage. He believed that Her Majesty's Government were well disposed to do their duty towards India; but that House was also bound to consider what was its duty; and as an individual Member he, for one, must deprecate any hasty legislation. One or two years' delay would, after all, be no great inconvenience, and was really as nothing compared with the importance of giving an opportunity to the great mind of England of being brought fully and strongly to bear upon the noble object of constituting a broad, honourable, industrious, and peaceable form of government for India.

Sir CHARLES WOOD said, he fully concurred in the statement of the hon. Gentleman (Mr. Rich), that he was actuated alone by a desire for the welfare of that extended Empire in bringing forward his present Motion. But he could not agree with the hon. Gentleman that the course he had taken was the one best calculated at the present moment to accomplish the desired object. The subject was to be legislated upon in the course of the present Session, and it was most desirable it should be so. He therefore hoped the hon. Gentleman would not consider it discourteous of him that he did not then enter on the question. His noble Friend (Lord J. Russell) had already fixed a day on which the subject would be taken, and on that day it would be his (Sir C. Wood's) duty to explain the views of Her Majesty's Ministers on the subject. It would clearly be of disadvantage to press on the question sooner, and he therefore abstained from saying more on the subject.

SUPPLY—MISCELLANEOUS ESTIMATES.

House in Committee; Mr. Bouverie in the Chair.

(1.) 119,320*l.* Royal Palaces and Public Buildings.

Sir JOHN SHELLEY wished to know how the stud houses in Bushey Park (on account of which there was an item included in this vote) were occupied, whether by the horses of private persons or not? It was understood that public sales were to take place periodically of thorough-bred horses from these stud houses, and he begged to inquire whether a debtor and creditor account would be kept of the sales?

Lord JOHN RUSSELL was understood to say, that the proceeds of the sales would be brought into the public accounts. With regard to the stud houses, he was not aware what the arrangement that was come to some years ago was, but would inquire.

Vote *agreed to.*

(2.) 62,736*l.* for Royal Parks, Pleasure Grounds, &c.

LORD DUDLEY STUART said, he wished to call the attention of his right hon. Friend the First Commissioner of Works (Sir W. Molesworth) to the Royal Botanical Gardens and Pleasure-grounds at Kew. The number of visitors to these gardens in 1841 had been only 9,134; in 1851 they had been 327,900; and last year they were 231,000. Very few of the working classes, however, were able to take advantage of the gardens; and the reason was this—that they were not open on Sundays. He thought it peculiarly desirable that hardworking men, who were shut up in close alleys and unwholesome dwellings during the whole of the week, should have an opportunity afforded them of visiting so delightful a place of recreation on a Sunday. Why were these gardens shut on Sundays? It could not be contended that they were kept closed out of respect to a due observance of the Sunday.

SIR WILLIAM MOLESWORTH said, the gardens were opened last Sunday to the public in pursuance of instructions which he himself had given.

LORD DUDLEY STUART said, he was extremely happy to find that such was the case. He had gone there the Sunday before, and the gardens were not then open. There was another part of the gardens, called the pleasure grounds. That was opened only from Midsummer to Michaelmas; he hoped his right hon. Friend would give directions that those grounds should be thrown open every Sunday in the year. He would now call the attention of his right hon. Friend to Richmond Park. There was a considerable part of that park not open to the public. He meant that portion which lay between Roehampton and Robinhood-gates, and extending up to Lord Bessborough's villa. It was on a slope, and had no trees upon it, but if the people were allowed to go there they would witness a beautiful scene. It would be a great advantage to throw that into Richmond Park.

MR. MALINS said, he would suggest that it would be a matter of great convenience to the public if there were two gates at Kensington-gardens, one for persons entering the gardens, and another for those passing out of them.

MR. KINNAIRD begged to suggest, that a carriage-road should be made to cross the park from Victoria-gate to Albert-gate. At present it was very inconvenient for persons to go a considerable distance round in order to get from Paddington to Kensington.

SIR WILLIAM MOLESWORTH said, he entertained a strong objection to any opening for carriages in the manner suggested by the hon. Member, as it would make it necessary that the park should be opened all night—a plan that could not be sanctioned. The opening of such a road would, at the same time, cause considerable inconvenience to equestrians.

MR. DRUMMOND said, that it had always appeared to him that public works were carried on at a much greater cost than similar works executed for private individuals. The fact was, that persons made enormous profits out of Government contracts. This was a subject to which the attention of Parliament ought to be in an especial manner called, for there did not appear at present to be a sufficient control exercised over these matters.

MR. W. WILLIAMS said, he quite agreed with the hon. Gentleman who had just resumed his seat, that it was time the House of Commons should exercise some control over the vast expenditure made on account of the Royal palaces. Since Her Majesty came to the throne, no less than 518,000*l.* had been expended on the palaces which were in the occupation of Her Majesty, and 400,000*l.* had been expended in the maintenance of other Royal palaces, not at all for the convenience of Her Majesty in any shape. Some of those palaces Her Majesty had never seen, but were occupied by certain members of the aristocracy in a state of half-pauperism. If those palaces were applied to such purposes, the parties who occupied them ought to be at the expense of keeping them in order. With regard to the vote for maintaining the Royal parks and gardens, he found that 1,000,000*l.* had been expended upon Royal parks since Her Majesty's accession to the throne. He did not for one moment wish it to be understood that he considered that vast expenditure to be on account of Her Majesty. She had the convenience of the parks in common with her subjects, and a great accommodation they were; but he did consider that when such a large sum of the public money was so expended, every convenience ought to be afforded to the people. Now, there was one subject to which he particularly wished to call the attention of the right hon. Baronet (Sir W. Molesworth). That right hon. Gentleman had taken votes for the Woods and Forests, and also for Works which had never appeared in the estimates before. But there was a sum exceeding 100,000*l.* which had been received for Crown revenues, and which was not accounted for in any way whatever. He (Mr. Williams) did not expect the right hon. Baronet would be able to answer the question satisfactorily, and he would not particularly press it upon the right hon. Gentleman, because he (Mr. Williams) found that the Chancellor of the Exchequer had at last pursued an honest straightforward course of paying the whole amount of the Crown revenues into the Exchequer. Next year, and for the first time in the history of this country, the people would know how the very large amount of the Crown revenues —400,000*l.* a year, had been dealt with. Hitherto they had been squandered without control. He hoped the right hon. Baronet was prepared to give the House some definite answer as to what was intended to be done with respect to Battersea Park. Nearly 200,000*l.* had been laid out in the purchase of about 300 acres of land upon the banks of the Thames for making that park. The situation was very beautiful for the purpose. It had a river frontage of two miles in length, and if it were completed it would afford the greatest benefit that had ever been conferred on any portion of the metropolis. But seven years had now elapsed, and the work still remained to be done. It appeared that the Government had purchased the land at so moderate a price that a speculator had come forward and offered to take it off the hands of the Government for his own benefit. He hoped the Government would never entertain such a thought as that of giving up the land to any speculator, but that the right hon. Baronet would, with his characteristic energy, proceed with the park.

Sir WILLIAM MOLESWORTH said, it was true a proposal had been made by Mr. Cubitt to take the land which had been purchased for Battersea Park off the hands of the Government at the price they gave for it; but that proposal had not been acceded to, nor was there any intention of acceding to it. With regard to the appropriation of the land revenues, it was not a matter within his department; he believed, however, that since 1851 the receipts had regularly been accounted for.

Sir ROBERT H. INGLIS said, that he was one of the Metropolitan Commissioners, and the subject of Battersea Park had come before that body. It was true that Mr. Cubitt did offer to purchase the whole of the land from the Government; but, for reasons which it was not necessary to state, the Government declined the proposal. He (Sir R. H. Inglis) was desirous, however, since the subject had been mentioned, that some honour should be done to Mr. Cubitt for the liberal and disinterested offer which he made. As to the expenditure in the Royal parks, which had been alluded to, he was satisfied the bargain begun by George III., and continued by George IV., with the people, had been for the benefit of the latter, and it appeared by a return he moved for some time ago that while the Crown had received 32,000,000*l.* the nation had received no less than 94,000,000*l.* in the same period.

Mr. W. WILLIAMS said, he did not mean the slightest reflection on Mr. Cubitt —quite the reverse. He was surprised the hon. Baronet should have again alluded to the subject of the Crown revenues in that House. A more fallacious Return, as the hon. Baronet well knew, had never been made than that to which he had referred. If the Crown estates were properly managed, they would very nearly equal the expenditure of the civil list. He had never grudged any expenditure necessary for the comfort of the Crown, but he objected to extravagance.

Mr. BROTHERTON said, he agreed with those who thought it desirable to establish public parks about this great city; but, as it certainly was the richest city in the world, the inhabitants ought really to put their hands in their pockets, as they did in the provinces and country towns, to provide parks for themselves. In Manchester the people had subscribed 30,000*l.* for parks.

Mr. W. WILLIAMS said, he wished for some explanation respecting a charge in the estimate before them. First, they had "Richmond Park, 2,105*l.*;" next, "Ditto (department of Ranger), 2,740*l.* 3*s.*" What was the meaning of the last item, and what was the salary of the Ranger?

Lord JOHN RUSSELL replied, that there were various expenses connected with the department in that charge. The actual salary received by the Ranger (the Duchess of Gloucester) was only 200*l.*

Vote *agreed to.*

(3.) 145,774*l.* New Houses of Parliament.

MR. W. WILLIAMS said, he wished to know who superintended the expenditure of the interior of the House. He found a charge for lighting with oil and wax the offices and division lobbies of the House 6,821*l.*, and for gas in both Houses 2,842*l.*, being nearly 10,000*l.* for lighting alone.

SIR WILLIAM MOLESWORTH said, the lighting was in the department of the Serjeant-at-Arms; the lighting of the roof was under the control of Mr. Meeson; the gas was supplied by contract.

MR. W. WILLIAMS said, as the gas was cheaper than oil and candles, it would be better to use that more generally.

MR. SPOONER said, there was an item on account of carcase walls and ordinary finishing of the building, including warming and ventilating works, 91,700*l.* He believed that a sum of 25,000*l.* had been already expended on the ventilation of the House. What was this sum for? Was not the House ventilated already? Certainly, the ventilation was very unsatisfactory, for the House was always alternating between great heat and great cold. He had been told by Mr. Goldsworthy Gurney that the whole present apparatus for ventilation was useless, and that he would undertake for a few hundred pounds to take it all out, and keep the House regularly ventilated. He (Mr. Spooner) had no hesitation in saying that the ventilation of the House was most disgraceful. Unless some explanation was given, he would bring forward a Motion on the subject.

SIR WILLIAM MOLESWORTH said, this 91,700*l.* was chiefly for the carcase walls and progress of the works, and had no reference to the ventilation of the House. As to the ventilation of the House, he was well aware of the talents of Mr. Gurney, and there was no doubt he could make an alteration in the ventilation; but it would cause a large outlay if the whole plan was changed. Mr. Meeson had been engaged for one year, and it was but fair that he should have a trial.

MR. BAILLIE said, no answer had been given to the question as to whether the expenditure of the Houses of Parliament was under the control of the Treasury or the Board of Works.

SIR WILLIAM MOLESWORTH: The expenditure for the new works was under the control of Sir Charles Barry, who gave an estimate for the year to the Board of Works.

MR. SPOONER: Was the whole expenditure under Sir Charles Barry's control, without any control from the Treasury or the Board of Works?

SIR WILLIAM MOLESWORTH: It is under the control of the Treasury. All the Commissioners of Works had to do was, when Sir Charles Barry certified that a certain amount of work was done, an examination was made to see if it had been performed, but the control was in the Treasury.

MR. J. WILSON said, he must admit the unsatisfactory state of the expenditure on the Houses of Parliament. The subject had occupied the attention of the Chancellor of the Exchequer and himself, who had called on Sir Charles Barry to render such accounts as would enable them to ascertain the state they were in, and he hoped shortly to lay before the House full accounts of all that had been done.

MR. W. WILLIAMS said, he wished to know of the hon. Secretary to the Treasury, whether Sir Charles Barry had made any estimate of the future expense of the Houses of Parliament. Two estimates had been made — the first was 700,000*l.*, and the second amounted to more than 2,000,000*l.* Was there any new estimate made, or would one be made?

MR. J. WILSON said, he could not exactly promise a new estimate. What was being done was this:—that the Treasury was determined to know exactly the condition in which the expenditure was, and when that information was gained they would turn their attention to the cheapest mode of finishing the building. They were clearly of opinion that things could not go on as they were.

MR. W. WILLIAMS said, he wished to understand whether Sir Charles Barry was allowed to go on spending money, no one knew how? Was there any control over him?

MR. J. WILSON said, he was afraid there was very little; but better care would be taken in future.

Vote *agreed to.*

(4.) 10,000*l.* Stationery Office.

MR. W. WILLIAMS said, he wished to inquire whether that sum would be sufficient to complete the office?

MR. J. WILSON was bound to say that the sum in question would not be sufficient to finish the office, as it was intended to make such an enlargement as would enable a number of Government books and records to be kept in that office, which were now kept in buildings for which a large rental was now paid; so that, although probably 10,000*l*. more would be required, there would be an eventual saving.

Vote *agreed to*.

(5.) 91,279*l*. Holyhead Harbour.

MR. THORNELY said, that this was the seventh year in which there had been a vote for the improvement of Holyhead harbour. The original estimate was 628,000*l*., and he wished to know if that sum would cover the whole of the expenditure?

MR. J. WILSON said, with regard to a work of such magnitude, he could not say that the estimate in question would cover the expense.

COLONEL DUNNE said, he was sure the estimate would not nearly cover the expense. It was supposed by some persons that Holyhead would not answer as a harbour of refuge, and that the original plan had been deviated from. It was a subject very interesting to Irishmen, and he should be glad to know whether the plan was likely to answer.

SIR JAMES GRAHAM said, his attention had been only recently called to the subject. When he came into office, the control of harbours of refuge was in a somewhat anomalous position. The Admiralty was not answerable for the works which were under the control of the Treasury, although they were answerable for the expenditure. He believed that the estimate for Holyhead harbour would be sufficient to defray the cost. He said that with confidence, as the works were under the direction of Mr. Rendel, and reliance was to be placed on his estimate. He was told by all who saw the works that they were executed in the best possible manner; that the plan would prove successful, and that it would be a harbour of great use in the Channel communication between Great Britain and Ireland.

MR. BUCK said, he wished to call the right hon. Baronet's attention to the necessity of a harbour of refuge which should afford shelter to shipping on the coast of Wales and the northern part of Devonshire.

SIR JAMES GRAHAM said, the subject of harbours of refuge had been too long neglected in this country, and, considering our maritime position, he was surprised it had not before engaged the attention of the Government. Between Harwich and the Tyne there was not a single harbour which, in boisterous weather, a ship could possibly run into for refuge, with the exception of the Humber in certain states of the wind. Both in Cornwall and Devon a harbour of refuge was much wanted; but the House must proceed by degrees in this matter. A large sum of money was required in the present year for works of this kind at Holyhead, Portland, Alderney, and Dovor, and when the works there were accomplished, it would be then the time to proceed to such other works as were considered necessary. He could assure the hon. Gentleman (Mr. Buck) that the subject alluded to by him should receive consideration, so far as he was concerned.

MR. W. WILLIAMS said, he had heard with great gratification the statements of the right hon. Baronet, that these works would be completed within the estimated expense. When they were commenced, there was a great difference of opinion among the engineers as to the expense, and some of the most eminent made estimates, the lowest of which was upwards of 1,000,000*l*.

Vote *agreed to*.

(6.) 226,000*l*. Harbours of Refuge.

MR. THORNELY said, that a note was appended in the estimates, stating that the particulars of the expenditure for each harbour, accompanied by reports of the engineers in charge of the works for the year to 31st March, will be found in a return to be presented to the House of Commons as a separate paper in the present Session. He thought they ought to have these particulars before they gave the vote, and not afterwards.

MR. W. WILLIAMS said, he saw the amount for Dovor harbour was only 34,000*l*. He wished to know whether there was to be any further estimate for that harbour.

SIR JAMES GRAHAM replied, that the plan respecting Dovor harbour had been recently under revision. 34,000*l*. would complete the work as far as the present contract went; but to render the works really effectual it would be necessary to prolong them to a considerable extent. It was now proposed, after the 34,000*l*. was expended, so far as the contract went, to carry the works 800 feet further into deep water. Of course, as they went into deeper water, the expense would be greater, but it was not intended in the present year to expend more than the 34,000*l*.

COLONEL DUNNE said, he wished to know upon which of the Channel Islands the expenditure for the formation of a harbour of refuge was to be made?

SIR JAMES GRAHAM said, there were two works in progress in the Channel Islands—one at Jersey, which it was not intended to carry out—and another, a most important one, in the Island of Alderney, which was a work of very great expense, because it had to be carried on in deep water. After having consulted with the best engineers, and having considered the subject both at the Board of Ordnance and at the Admiralty, it had been determined to proceed with those works at Alderney.

MR. ALEXANDER HASTIE said, he wished to call attention to another part of our coast very much in want of protection of this kind. He referred to the harbour of Aberdeen, where the *Duchess of Sutherland* steamer had lately broken up in a very short period of time, and a great many lives had been lost. Between the Tay and Peterhead there was no harbour for the protection of shipping.

SIR JAMES GRAHAM said, he had before expressed his opinion as to the necessity of proceeding by degrees in this matter. The sum asked on account of the formation of harbours of refuge in the present Session approached very nearly 400,000*l.*; and it would be necessary, therefore, to wait before any further expenditure on this head could be entered into. With reference to the accident alluded to by the hon. Gentleman (Mr. Hastie), the loss of life by the wreck of the *Duchess of Sutherland* steamer seemed to have been caused not so much by the want of protective works at Aberdeen, as the want of ordinary caution on the part of the authorities there.

MR. APSLEY PELLATT said, he wished to ask in what time the works at Alderney would be completed, and what would be the expense?

SIR JAMES GRAHAM said, it was impossible to work more than seven months out of the twelve at Alderney. It would, perhaps, take seven years, and the estimated expense was about 600,000*l.*

Vote *agreed to.*

(7.) 2,556*l.* Portpatrick Harbour.

MR. W. WILLIAMS said, he wished to know when the works at this harbour were to be finished? An assurance was given some years ago that it should not appear in the estimates again.

SIR JAMES GRAHAM said, the hon. Gentleman was right in stating that an assurance had been given that this harbour should not again appear in the estimates; but a storm had demolished a portion of the works, and it was thought necessary to replace them. Since the estimate was presented, a fresh survey had been made, and the amount reduced by 1,000*l.* He regretted that so large a sum had been expended at Donaghadee and Portpatrick, and thought he could assure the Committee that, while he remained at the Admiralty, a similar vote should not be asked for.

COLONEL BLAIR said, there was a probability of a railway being made from Dumfries to Portpatrick which would render the harbour more useful.

MR. FREWEN said, that he did not know why money should be laid out on this harbour more than another.

SIR JAMES GRAHAM said, as the hon. and gallant Member (Col. Blair) had stated, it was hoped that the railway between Dumfries and Portpatrick would be continued. At all events, 100,000*l.* having been expended on the harbour, he thought it would be bad economy not to spend 2,500*l.* to repair the breach caused by the storm.

Vote *agreed to.*

(8.) 45,600*l.* Public Buildings in Ireland.

Motion made, and Question proposed—

> "That a sum, not exceeding 45,600*l.*, be granted to Her Majesty, to defray the Expense of repairing and maintaining the several Public Buildings in the Department of the Commissioners of Public Works in Ireland, to the 31st day of March, 1854."

MR. SPOONER said, he rose to move the omission of a sum of 1,235*l.* 13*s.* for repairs at the Roman Catholic College of Maynooth. He did not desire to go into the question of principle, which he had brought before the House in a direct manner in the course of the present Session. He had been then defeated, but still had been encouraged by a very large minority. On that occasion an hon. Member (Mr. Scholefield) had moved an Amendment, and the hon. Member had then objected to the Motion merely because, being founded upon principle, it did not comprise every analogous example of the principle. That objection could not apply to the present Amendment, for the case was quite a solitary one, there being no similar vote. In 1845, the late Sir Robert Peel carried a measure allotting 30,000*l.* to build a new college at Maynooth, and charged the Consolidated Fund with a nearly equal annual sum for its maintenance; and yet the Board of Works came year after year for grants for the repair of this new college, which had been constructed out of a Parliamentary grant. In 1846, there was a sum of 578*l.* voted for repairs; in 1848, 2,685*l.*; in 1849, 1,128*l.*; in 1850, 1,240*l*; and in 1851, 1,236*l.* He had in 1848 divided the Committee against the Vote, which, however, was then carried by a majority of 109 to 38; in 1849, by 96 to 27; in 1850, by 68 to 55; but in 1851 the vote was only carried by 121 to 119. Encouraged by this evident progress of opinion in the House of Commons upon the question, he felt himself justified in repeating his proposition upon pecuniary grounds. The vote certainly was small, but it was wholly unreasonable; and, therefore, upon this ground, without relinquishing his opinion that it was a sin for a Protestant Parliament to vote any sum for the maintenance of Popery, he should move that the grant be omitted.

Motion made, and Question proposed—

"That a sum, not exceeding 44,364*l.* 7*s.*, be granted to Her Majesty, to defray the Expense of repairing and maintaining the several Public Buildings in the Department of the Commissioners of Public Works in Ireland, to the 31st day of March 1854."

Mr. KENDALL said, he was much obliged to the hon. Member for bringing forward the question, in which he represented an overwhelming amount of public opinion in this country.

Mr. W. WILLIAMS said, that he also should support the proposition of the hon. Member for North Warwickshire (Mr. Spooner) on the ground that when the grant was obtained, in 1845, Sir Robert Peel promised that not a single farthing more should be asked from Parliament for this college.

Sir JAMES GRAHAM said, that his recollection of what took place on the occasion of the grant being made to Maynooth, in 1845, by Act of Parliament, was entirely different from what had just been stated by his hon. Friend the Member for Lambeth (Mr. Williams). He would, however, in the first place, refer to some of the statements of the hon. Member for North Warwickshire. It was not the fact that this was a new building; on the contrary, it was an old one, and until Parliament granted 30,000*l.* for its restoration, it was one of the most dilapidated buildings in the country. Every farthing of that 30,000*l.* had been expended on the responsibility of the Government on the repair of the building, only a very inconsiderable sum having been devoted to its enlargement. The annual grant was expended, not in maintenance of the building, but in that of the students and professors. When the Government of Sir Robert Peel made the proposition to fix a certain sum as an annual charge upon the Consolidated Fund, it was a question whether they should name 30,000*l.*, a sum sufficient for the maintenance of the students and of the establishment apart from the repairs of the building, or whether they should add to this amount a sum sufficient to cover the annual repairs of the building—and it was then decided by the Government, and if he was not mistaken it was stated either by himself or by his right hon. Friend (Sir Robert Peel), that they deemed it expedient that this college, so endowed and upheld by Parliament, should be annually brought under its review, in connexion with the Vote to cover the expense of repairs. It did not appear that the annual repairs would average more than 1,200*l.* a year, and unless they desired to starve out this establishment, to have it no longer waterproof, and to expel sum professors and students, some such the as that now asked for was necessary.

Mr. APSLEY PELLATT said, he should vote for the Amendment of the hon. Member for North Warwickshire (Mr. Spooner), on the ground that he objected to all religious endowments whatever. He had visited Maynooth, and had found that both the old and the new buildings were kept up; and that no fewer than 400 students were accommodated in them—a number far too large, he thought, for the market. He wished to know whether voting on this Motion would preclude his asking questions as to any other part of the vote, because he thought the proposed charge of 5,790*l.* 11*s.* for Phœnix Park, lodges, gardens, demesnes, plantations, &c., was a monstrous expenditure; and he should like to know whether there were no items of receipt from the sale of grass or timber?

The CHAIRMAN said, that the hon. Gentleman would not be prevented from putting questions on that subject.

Mr. CORRY said, the object of Sir Robert Peel in introducing the Maynooth Endowment Act was to avoid the annual recurrence of irritating discussions on this subject; but that object would be quite defeated by a vote of this nature. He had referred to the speech of the late right hon. Gentleman in 1845, and he found that he had declared that the annual charge of the establishment would be 26,360*l.*; and therefore in fixing the endowment at 30,000*l.* he had left a sum of nearly 3,600*l.* available for repairs. He should vote in favour of the Amendment of the hon. Member.

Mr. MIALL said, he should take the same course, because he should have opposed any similar vote, whatever the religious body might be that was to have been benefited by it. One characteristic all these ecclesiastical items appeared to possess in common, namely, that when once put in the estimates they remained there until the Committee thrust them out.

Mr. SIDNEY HERBERT said, he would call the attention of the Committee to a passage in the speech of Sir Robert Peel, when he put the establishment of Maynooth on its present footing, in which he proposed that the Board of Works should undertake the repairs of the College, as they undertook the repairs of other public buildings, and that the costs for its repairs should be included in the annual estimate of the public works. He, therefore, considered that the right hon. Member for Tyrone (Mr. Corry) had misapprehended the purport of that speech.

Sir WILLIAM VERNER said, he must beg to call attention to the oath that was taken by Roman Catholic priests educated in the College of Maynooth before they were appointed to parishes. He thought it was the duty of the Government to institute an inquiry into that oath. It was endeavoured to be set aside on more occasions than one, even by the prelates of the Roman Catholic Church, who gave evidence before Parliamentary Committees. They endeavoured to make it appear that there was no such oath taken by the Roman Catholic clergy except the oath of allegiance. That was perfectly right; it was an oath of allegiance, but to whom? To the Pope of Rome, and not to Queen Victoria, to support the canons and councils, and to put aside altogether the Scriptures. When they transported Ribbonmen for taking an illegal oath, why should they allow Roman Catholic priests to take the same oath to all intents and purposes? He maintained that the oath taken by the Ribbonmen in Ireland was the oath taken by the Roman Catholic priests. Were those proper persons to have the management of the education of the children of the country? He said that the person who took that oath was as deserving of punishment and transportation as any Ribbonman.

Sir JOSHUA WALMSLEY said, he was opposed to all ecclesiastical endowments; but he must say that, to begin by objecting to a small sum like this, would be very like straining at a gnat, and swallowing a camel. When the House of Commons was prepared to do justice to all classes, he should be glad to support such a proposition, but in the mean time he should vote against the Amendment.

Mr. LUCAS said, he was quite prepared to vote against all endowments whatever; but he wished to draw attention to the fact that in this very Vote there were several other items of a similar character. There were sums of 38*l.* for repairs of the chaplain's house at Dublin Castle, and 39*l.* for furniture; 90*l.* for repairs of the chapel royal, and apartments in the basement; and furniture, 51*l.* 6*s.* 8*d.*; Irishtown Church 24*l.* 15*s.* repairs, and 13*l.* 4*s.* furniture; the chaplain's apartments at Kilmainham Hospital 4*l.* repairs; the chapel 117*l.* repairs, and 18*l.* 10*s.* furniture; Royal Hibernian Military School Protestant Chapel 5*l.* repairs, Roman Catholic 44*l.* 10*s.* repairs, and 2*l.* for furniture. If the Amendment was so framed as to leave out all these items, he should not object; but as the Motion stood, it was on the face of it a gross act of injustice.

Mr. HADFIELD said, he hoped the hon. Member for Meath (Mr. Lucas) would himself move the addition of the items he had mentioned. Personally there was nothing that he (Mr. Hadfield) would so strongly oppose as the endowment of the denomination to which he himself belonged. Indeed they had struggled against the *Regium Donum*, and they had at last got rid of it, so that they came there now with clean hands. If the representation were only in the hands of the people, they would have none of these baneful discussions about religious endowment.

Sir JOHN SHELLEY said, he did not go a single inch with the hon. Member for North Warwickshire (Mr. Spooner) in the principles which he had been in the habit of propounding in that House; but on the broad principle of being opposed to all religious endowments from the public purse, he would vote for the proposition of the hon. Member. The hon. Member for Meath, instead of continually telling them what he would do, should put his intentions into a form that had something like reality, and which would show that he really was ready to fight with them against all religious endowments.

Mr. LUCAS said, that in reply to the appeal which had been made to him, he had only to observe that the hon. Member for Mayo (Mr. G. H. Moore) had given notice of a Motion which was to come on upon the 31st of this month, for a Select Committee to inquire into the whole question of religious equality in Ireland; and it was on that account that he objected to nibbling Motions like these. With respect to the statement of the hon. Member opposite (Mr. Hadfield), he had only to say that he had received a circular begging of him, in pathetic terms, to support the Irish *Regium Donum,* on the ground that its recipients professed the evangelical doctrines of the Westminster Confession, and because they hoped that he was an enlightened supporter of the Protestant interests.

Mr. W. J. FOX said, the hon. Gentleman who had just spoken had confounded the Nonconformists of England with the Presbyterians of Ireland. English Nonconformists were not inconsistent upon this question. They had last Session, after repeated efforts, succeeded in abolishing the payment made to certain Nonconformist ministers. They had also opposed the Irish Presbyterian *Regium Donum,* and there would have been a chance of getting rid of that vote too if they had been supported by the Irish Members. He thought they ought to fight out this principle in detail, as well as upon the general ground.

Mr. W. WILLIAMS said, that there were three or four other items in the votes that were open to the same objection, and he begged to add them to the proposition of the hon. Member for North Warwickshire. There was for Irishtown church a sum of 37*l.* 19*s.*; chaplain's house in Dublin Castle, 77*l.*; and the royal chapel and apartments in basement, 141*l.* 6*s.* 8*d.*; making a total of 256*l.* 5*s.* 8*d.* There was a charge also for chaplains, both Catholic and Protestant, in the hospital of Kilmainham; but he did not wish to withdraw the means of religious consolation from the poor pensioners. He begged to propose, that in addition to the sum of 1,235*l.* 13*s.* for Maynooth, the sum of 256*l.* 5*s.* 8*d.* should be also disallowed, making together 1,491*l.* 18*s.* 8*d.*

Motion made, and Question put—

"That a sum, not exceeding 44,108*l.* 1*s.* 4*d.*, be granted to Her Majesty, to defray the Expense of repairing and maintaining the several Public Buildings in the Department of the Commissioners of Public Works in Ireland, to the 31st day of March, 1854."

The Committee *divided:*—Ayes 43; Noes 80: Majority 37.

Lord JOHN RUSSELL said, the Amendment of the hon. Member for North Warwickshire, if carried, would merely have this effect, that the doors and windows of the College of Maynooth would not be repaired; that the rooms would not be properly lighted, and so forth; but he wished to put it to those hon. Members who had voted in the last division on the principle of opposing all religious endowments, whether the question stood now in the same position as it did before the Amendment of the hon. Member for Lambeth (Mr. W. Williams). That Amendment tested the feeling of the Committee on the question of religious endowments; and as the Committee had refused to take away all votes for religious purposes, and as the question of principle was thus decided, he wished to put it to hon. Members whether they would single out one endowment belonging to that denomination in Ireland which obtained the least of public support, and deprive it alone of its share of the public money? He hoped hon. Members would see that the question was totally altered now, and that the question was not whether they would vote against religious endowments generally, but whether they would single out one denomination for refusal.

Mr. MIALL would only say, in reply to the noble Lord, that hitherto those who had taken the view that he (Mr. Miall) did with regard to this question, had entered into combination with hon. Gentlemen opposite in order to carry out their object wholesale. The decision of the Committee, however, prevented that object from being carried out, but that should not prevent them now from endeavouring to effect their purpose in detail.

Mr. SPOONER said, he must protest against the supposition that his vote had been registered against State endowments in general for religious purposes. His vote had been given without any reference to those other items alluded to by the hon. Member for Meath (Mr. Lucas), and of which, let him add, he could find no account in the estimates. Three times had he asked for an explanation of the vote they were going to take, but all explanation had been denied him, and he was now wholly unable to say what they had voted upon.

Sir JOHN SHELLEY begged very respectfully to point out that the position in which he and other hon. Gentlemen were placed who objected on principle to all religious endowments by the State, was by no means altered by the Vote which had been just come to, and he begged, therefore, to adhere to his opposition to the Vote.

Lord JOHN RUSSELL said, he must reiterate his conclusion that those who were about to vote against the grant would be merely singling out the Roman Catholics of Ireland, on whom alone to visit the exercise of their principle.

Question put—

"That a sum, not exceeding 44,364*l.* 7*s.*, be granted to Her Majesty, to defray the Expense of repairing and maintaining the several Public Buildings in the Department of the Commissioners of Public Works in Ireland, to the 31st day of March, 1854."

The Committee *divided*:—Ayes 74; Noes 54: Majority 20.

List of the Ayes.

Anderson, Sir J.
Arbuthnott, hon. Gen.
Bagge, W.
Baillie, H. J.
Barrow, W. H.
Bell, J.
Biggs, W.
Buck, L. W.
Butler, C. S.
Butt, G. M.
Cairns, H. M.
Chambers, M.
Child, S.
Clinton, Lord C. P.
Cobbett, J. M.
Corry, rt. hon. H. L.
Craufurd, E. H. J.
Davies, D. A. S.
Drummond, H.
Duncan, G.
Ferguson, J.
Floyer, J.
Fox, W. J.
Freestun, Col.
Goodman, Sir G.
Gore, W. O.
Gwyn, H.
Hadfield, G.
Hamilton, Lord C.
Hastie, A.
Hastie, A.
Inglis, Sir R. H.
Jones, Capt.
Jones, D.
Keating, H. S.
Kendall, N.
Kershaw, J.
Kinnaird, hon. A. F.
Lee, W.
Lockhart, W.
Long, W.
Lowther, hon. Col.
MacGregor, J.
M'Gregor, J.
M'Taggart, Sir J.
Malins, R.
Martin, J.
Massey, W. N.
Masterman, J.
Miall, E.
Milligan, R.
Mitchell, W.
Montgomery, Sir G.
Pakington, rt. hon. Sir J.
Pellatt, A.
Phinn, T.
Robertson, P. F.
Scobell, Capt.
Scott, hon. F.
Seymour, W. D.
Shelley, Sir J. V.
Smith, W. M.
Smollett, A.
Stuart, Lord D.
Taylor, Col.
Tollemache, J.
Turner, C.
Vance, J.
Vansittart, G. H.
Verner, Sir W.
Walcott, Adm.
Williams, W.
Woodd, B. T.
Wynne, W. W. E.

TELLERS.

Spooner, R.
Frewen, C. H.

List of the Noes.

Acland, Sir T. D.
A'Court, C. H. W.
Atherton, W.
Baines, rt. hon. M. T.
Berkeley, C. L. G.
Bethell, R.
Bowyer, G.
Brady, J.
Brotherton, J.
Cardwell, rt. hon. E.
Charteris, hon. F.
Clay, Sir W.
Cockburn, Sir A. J. E.
Crowder, R. B.
Dent, J. D.
Fagan, W.
Fitzroy, hon. H.
Fox, R. M.
Gladstone, rt. hon. W.
Graham, rt. hon. Sir J.
Greene, J.
Hanmer, Sir J.
Heard, J. I.
Henchy, D. O.
Herbert, rt. hon. S.
Hervey, Lord A.
Hutt, W.
Ingham, R.
Keating, R.
Lucas, F.
Molesworth, rt. hn. Sir W.
Monsell, W.
Murrough, J. P.
Osborne, R.
Peel, F.
Phillipps, J. H.
Power, N.
Price, Sir R.
Ricardo, O.
Russell, Lord J.
Shee, W.
Strutt, rt. hon. E.
Swift, R.
Tancred, H. W.
Thicknesse, R. A.
Thornely, T.
Towneley, C.
Walmsley, Sir J.
Wilkinson, W. A.
Willcox, B. M.
Wilson, J.
Winnington, Sir T. E.
Wyvill, M.
Young, rt. hon. Sir J.

TELLERS.

Hayter, W. G.
Mulgrave, Earl of

The following Votes were then *agreed to*:—

(9.) 11,645*l.* Kingstown Harbour.

(10.) 91,100*l.* Two Houses of Parliament.

(11.) 54,000*l.* Treasury.

(12.) 27,100*l.* Secretary of State, Home Department.

(13.) 69,400*l.* Secretary of State, Foreign Department.

(14.) 39,175*l.* Secretary of State, Colonial Department.

(15.) 71,500*l.* Privy Council Office, and Office for Trade, &c.

(16.) 2,700*l.* Lord Privy Seal.

(17.) 23,700*l.* Paymaster General.

(18.) 6,336*l.* Exchequer.

(19.) 17,282*l.* Office of Works and Public Buildings.

(20.) 22,329*l.* Office of Woods, Forests, and Land Revenues.

(21.) 2,777*l.* State Paper Office.

On the next Vote (22), 3,368*l.* Ecclesiastical Commissioners for England,

Mr. W. WILLIAMS said, he felt it his duty to take the sense of the Committee on this Vote. He thought that the revenues of the Church were quite sufficient to maintain all charges on account of the Commission, without calling upon the general taxpayers of the country to meet an expenditure undertaken for the sole benefit of one Church.

Motion made, and Question put—

"That a sum, not exceeding 3,368*l.* be granted to Her Majesty, to defray a portion of the Expenses of the Ecclesiastical Commissioners for England, to the 31st day of March, 1854."

The Committee *divided:*—Ayes 63; Noes 44: Majority 19

Vote *agreed to;* as were the following Votes:—

(23.) 214,494*l.* Poor Law Commission.

(24.) 49,531*l.* Mint, including Coinage.

(25.) 12,270*l.* Public Records.

(26.) 15,050*l.* Inspectors of Factories, &c.

On the next Vote (27), 1,700*l.* Salaries of certain Officers in Scotland,

Motion made, and Question proposed—

> "That a sum, not exceeding 1,700*l.*, be granted to Her Majesty, to pay the Salaries of certain Officers in Scotland, and other Charges, formerly paid from the Hereditary Revenue, to the 31st day of March, 1854."

MR. W. WILLIAMS said, he had always objected to the maintenance of such officers as Her Majesty's "Limner," Her Majesty's "Clockmaker," and Her Majesty's "Historiographer," included under this Vote. He had hoped that some assurance would have been given that the country would no longer be called upon to defray such a useless expenditure.

MR. WISE said, he wished to direct attention to the item for Queen's plates in Scotland under this Vote. He was not sufficiently learned to define the reasons which had originally suggested such grants of public money; but he supposed it was to encourage the breeding of horses. He did not object to racing, but he thought that to support it by public money was a malappropriation of the public funds.

MR. W. WILLIAMS said, he had objected for several years to these plates being granted out of the public money. The amount for Scotland was very small as compared with the sum in the next Vote devoted to a similar object in Ireland, against the granting of which he should certainly divide the Committee.

MR. APSLEY PELLATT said, that if there was to be a division against the Queen's plates in the next Vote, it would be inconsistent to allow a similar item to pass unobjected to in the present Vote. He therefore moved that it be reduced 200*l.*

SIR JOHN SHELLEY said, he believed that the origin of these grants had another object in view beyond the encouraging the breeding of horses. He believed that there was no public amusement which afforded such general satisfaction in this country as horse-racing; and if it was alleged that it only induced gambling, he must say that, if such was the case, those who engaged in it would not be deterred by its abolition from pursuing their avocations in a still more objectionable form. He sincerely hoped that the Committee would not, by rejecting the Vote, carry its economical notions *ad absurdum*, and at the same time deprive the working classes of Scotland and Ireland of a principal source of amusement.

MR. ANDERSON said, that despite what had been said, he did not believe that the people of Scotland took the smallest interest in racing.

Motion made, and Question put—

> "That a sum, not exceeding 1,482*l.* 7*s.*, be granted to Her Majesty, to pay the Salaries of certain Officers in Scotland, and other Charges, formerly paid from the Hereditary Revenue, to the 31st day of March, 1854."

Motion *negatived.*

Original Question put, and *agreed to.*

(28.) 6,412*l.* 7*s.* 5*d.* Household of the Lord Lieutenant of Ireland.

Motion made, and Question proposed—

> "That a sum, not exceeding 6,424*l.*, be granted to Her Majesty, to defray the Charge of Salaries for the Officers and Attendants of the Household of the Lord Lieutenant of Ireland, to the 31st day of March, 1854."

SIR JOHN SHELLEY said, there was a strong feeling out of doors against the continuance of the office of Lord Lieutenant of Ireland—a feeling which he believed was shared in by the people of Ireland themselves. He wished, therefore, to ask, whether the Government intended to introduce any Bill to do away with that office, and whether the Vote asked for was merely for this year?

The CHANCELLOR OF THE EXCHEQUER said, he was not able to say that since the formation of the present Government the question of continuing the existence of the office of Lord Lieutenant of Ireland had been formally under the consideration of the Government. At the same time, the hon. Baronet should understand that the Vote was necessary for its present continuance.

COLONEL DUNNE said, he thought that the answer of the right hon. Chancellor of the Exchequer was excessively unsatisfactory. Whatever the hon. Member for Westminster might say, the expression of opinion was strong in Ireland upon this subject. The Chancellor of the Exchequer had not given the frank denial which they should have expected from any member of the Government. The right hon. Gentleman had, however, no hesitation in adding to the taxation of Ireland. Now what the people of Ireland complained of was, that the Government drew from that country a large amount of taxation which was not spent upon it. The feeling in Ireland against the abolition of the Lord Lieutenancy was nearly unanimous.

The CHANCELLOR OF THE EXCHEQUER said, he was not aware how the answer he gave to the question of the hon. Member for Westminster (Sir J. Shelley) failed in point of practice. If, however, the hon. and gallant Member for Portarlington (Col. Dunne) would put to him another question, he would endeavour to improve upon his answer. The question asked by the hon. Member for Westminster was evidently intended to be put to some other Member of the Government; and out of courtesy to that hon. Member, in the absence of the Member of the Government to whose department the subject more properly belonged, he (the Chancellor of the Exchequer) answered it. The question was to the effect, whether the Government had any plan before them for the abolition of the office of Lord Lieutenant of Ireland? In reply, he stated that no plan of the kind was brought under the consideration of the present Government since it was formed. Now, there might be a great evasion in his answer, but he confessed he could not see any.

COLONEL DUNNE said, he would accept the challenge given him by the right hon. Gentleman, and he now begged to ask him whether he was aware of any intention on the part of the Government to abolish the office of Lord Lieutenant of Ireland?

The CHANCELLOR OF THE EXCHEQUER: I am not aware of any such intention.

COLONEL DUNNE: I am satisfied with that answer.

MR. W. WILLIAMS said, there were two items in the present Vote to which he objected—the one was 184*l.* 12*s.* 8*d.* for the Chaplain of Dublin Castle. Inasmuch as the Lord Lieutenant of Ireland was allowed a liberal salary, he thought his Excellency could afford to pay for his own chaplain. There was also an item of 1,574*l.* 6*s.* 2*d.* for fifteen Queen's plates, to be run for at races in Ireland. To those two items he could not assent. He would, therefore, move to reduce the vote by those two sums.

MR. HENCHY said, that representing the county in which the races were principally run, he could safely say the people of Ireland attached very great value to these plates, and he thought they were very much indebted to them for their breed of horses. It would be ungenerous to withdraw these plates, and his constituents would feel it very severely, as a great body of them were engaged in pursuits connected with racing.

MR. W. WILLIAMS said, that he objected to the people of England and Ireland being taxed for the purpose of horse-racing, for it led to a system of gambling, worse, perhaps, than almost any other that existed.

MR. WISE said, in England the Queen's plates were provided out of the Queen's private property, and he thought the Votes for Ireland and Scotland were for purposes that ought to be supported by private individuals.

MR. DIGBY SEYMOUR said, he thought the financial reformers of that House would fall into contempt if they took away such paltry votes as these. They had now voted the money for the plates in Scotland, and he protested against a measure of this kind being allowed to one country which they would not allow to another. Considering the heavy calamity with which Ireland had been visited, and the spirit of oppression under which the people suffered, he thought the present moment would be an unfortunate one for depriving them of the opportunity of enjoying the exhilarating sport of racing.

Motion made, and Question put—

> "That a sum, not exceeding 4,665*l.* 1*s.* 2*d.* be granted to Her Majesty, to defray the Charge of Salaries for the Officers and Attendants of the Household of the Lord Lieutenant of Ireland, to the 31st day of March, 1854."

The Committee *divided*:—Ayes 31; Noes 92: Majority 61.

Original Question put, and *agreed to.*

The two following Votes were then *agreed to*:—

(29.) 17,134*l.* Chief Secretary, Ireland.

(30.) 7,472*l.* Paymaster of Civil Services Office, Ireland.

On (31) 30,153*l.* Board of Public Works, Ireland,

COLONEL DUNNE said, he wished to call the attention of the Committee to the estimates, expense, and results of the different drainages executed under the orders of that Board, and the various complaints of persons interested in these drainages. There were two Committees appointed to inquire into the subject of drainage. The report of one of them was held cheaply by that House, and particularly by the Government, although he thought that it deserved much attention, inasmuch as it was made by gentlemen who were above all suspicion. The first Committee was appointed to estimate the right and the amount to be paid under the consolidated annuities. These had been pronounced to be unjust by a Committee of the House of Lords, but they had been offered by the present Government as an equivalent for a permanent impost. The second Committee was appointed to inquire into the subject of arterial drainage, of which the Earl of Rosse was Chairman. The Report of that Committee was as strong as it could be as to the estimate of those works. Upon the faith of that estimate twelve of the landed proprietors in Ireland undertook those works, believing them to be of great benefit to the country; but the original estimates generally were exceeded by three times their amount, and in many cases they went even beyond the value of the land. He did not think that any reparation could well be offered to those proprietors for the injustice to which they had been exposed. The misfortune was that all subjects of this nature affecting Ireland were placed in the hands of the Treasury. The Treasury was a bad executive; and the Lord Lieutenant and the Government of Ireland were in no way responsible for these works, which, he must be permitted to add, had been carried on in a manner that was disgraceful to a civilised country. He believed the intentions of England towards Ireland were now, and always had been, of a benevolent character; but the execution of those intentions had been most injurious to that country. He would take that opportunity, then, of warning Irish Members that they would do well to consider this question before they were called upon to enter on the general subject of taxation in Ireland.

The CHANCELLOR OF THE EXCHEQUER said, he did not understand it to be the wish of the hon. and gallant Member (Colonel Dunne) that the Committee should at that moment enter fully into the important question he had referred to. He would, therefore, content himself with assuring the hon. and gallant Member that it was a subject which had not escaped the attention of Her Majesty's Government, and that they would take the earliest opportunity of going into the consideration of the whole question.

Vote *agreed to.*

(32.) 32,000*l.* Secret Service.

MR. WISE said, he could not conceive for what purpose this secret service money was required.

MR. W. WILLIAMS said, he had opposed the Vote for a number of years, and was glad to find that latterly there was a considerable diminution in the amount asked for. He hoped that next year it would be still further reduced.

LORD DUDLEY STUART said, there was no vote granted by the House of Commons which the public looked upon with greater suspicion, not to say dislike, than this Vote for secret service; and that feeling was not likely to decrease in consequence of certain suspicions which had lately spread throughout the country with regard to secret services, and the watching and inquiring about the proceedings of various individuals, whose names it was not necessary for him then to mention. He wished to know if the sum now asked for was the same in amount as that which was voted last year?

MR. APSLEY PELLATT begged to ask if any portion of the Vote was applied to the support of the detective police?

LORD JOHN RUSSELL said, in reply to the noble Lord (Lord D. Stuart's) question, that it was the same sum as was voted last year; and to the question of the hon. Member for Southwark, that no part of it was appropriated to the detective police.

Vote *agreed to;* as were also the following three Votes:—

(33.) 216,420*l.* Printing and Stationery.

(34.) 16,000*l.* Law Charges, England (including Mint Prosecutions).

(35.) 17,700*l.* Sheriff Expenses, Officers of the Court of Exchequer, &c.

On (36) 8,830*l.* Insolvent Debtors Courts.

MR. APSLEY PELLATT said, he wished to know whether the Government were aware that a considerable saving might be effected by transferring the business of the Insolvent Debtors Courts either to the Courts of Bankruptcy, or to the County Courts, or to both?

LORD JOHN RUSSELL thought the question was one which could hardly be dealt with on the estimates.

MR. W. WILLIAMS said, the duties performed by the Commissioners of the Insolvent Debtors Courts were exceedingly light; and as the salaries of the County

Court Judges had been increased, and as the time of some of them was not fully occupied, he did not see how the transfer suggested could be objected to.

MR. J. WILSON said, the hon. Gentleman was quite mistaken in supposing that the duties of the County Court Judges were light. He could assure the hon. Gentleman that it had recently been found necessary to provide additional accommodation on account of the increase of business.

MR. W. WILLIAMS said, if the hon. Gentleman referred to the Returns, he would find that even in the County Courts of the metropolis there was a good deal of time unoccupied.

MR. FITZROY said, the hon. Gentleman was not aware, perhaps, that in the country a great deal of the insolvent business was done in the County Courts.

Vote *agreed to;* as was also—

(37.) 107,405*l.* Criminal Prosecutions and other Law Charges, Scotland.

On (38) 56,950*l.* Criminal Prosecutions, Ireland,

COLONEL DUNNE said, that the generality of prosecutions in Ireland were carried on at the expense of individuals, and not by the Crown. But if the system of taxation was to be equalised between the two countries, he thought the same alleviation in regard to the expenses of prosecutions should be extended to Ireland as now prevailed in England. Another point to which he desired to call the attention of the Government was, that in England the schoolmasters under the poor-law were paid out of the Consolidated Fund, whereas in Ireland it was not so.

MR. M'MAHON said, he trusted that some alteration would be made in the present system with regard to the appointment of Crown prosecutors. He believed that at present the failure of justice was in too many instances to be traced to the fact of effete nominees of the Attorney General having to contend with young, active, and more experienced men than themselves.

MR. BROTHERTON said, he wished to know if the hon. and gallant Member for Portarlington (Colonel Dunne) would wish to see equality between the two countries carried out so as to include the payment of the constabulary in Ireland from local rates, as in this country, rather than be borne as at present by the Consolidated Fund?

COLONEL DUNNE would have no objection to that change, provided everything else were placed upon the same footing. The police were introduced by England, but Ireland also supported 25,000 soldiers for the general purposes of the Empire.

SIR JOHN YOUNG said, he would admit that the present mode of assessing the county rates in Ireland was defective, and he recommended that the attention of Irish Gentlemen should be directed to the subject. He thought it was a fair matter for inquiry, and it was one to which he was ready to devote his best attention. With reference to the suggestion of the hon. Member for Wexford (Mr. M'Mahon) he was not at all disposed to substitute the English system for the present mode of carrying on Crown prosecutions. At the same time he was far from saying that the Irish system was perfect, and he believed that means might be taken, by a different organisation in the localities, for collecting the evidence in a more perfect shape previous to the trial. The subject had already engaged the attention of the Irish Judges, and in the course of another year he hoped that some satisfactory conclusion would be arrived at.

MR. F. SCULLY said, he thought the aged gentleman at present filling the office of Crown prosecutor in Ireland, should be got rid of, and by that means the system of public prosecutions could be amended.

MR. M'MAHON said, it was impossible to have justice in Ireland unless the English system were adopted in respect to the prosecution of criminals.

Vote *agreed to.*

(39.) 36,000*l.* Police of Dublin.

MR. W. WILLIAMS said, he very much objected to the payment of this sum out of the Consolidated Fund. There might be some reason why the general police force should be placed on the fund—they were partly a military force; but he could see none for the Metropolitan Police.

Vote *agreed to;* as was also—

(40.) 240,000*l.* Certain Charges formerly paid out of the County Rates.

On (41) 16,839*l.* General Superintendence.

MR. LUCAS said, he had a Motion in connexion with this Vote to bring before the House, which would create discussion, as it referred to the treatment of Roman Catholic prisoners. It was, he thought, too late to discuss it then, and he considered that it would be better that the Chairman report progress, and ask leave to sit again.

After short discussion on postponement,

Lord JOHN RUSSELL said, he had no objection to take the discussion on the bringing up the Report; but he could not consent to stop the progress of the Committee now, merely because the hon. Gentleman was not ready to make his statement.

Vote *agreed to.*

(42.) Motion made, and Question proposed—

"That a sum, not exceeding 407,667*l.*, be granted to Her Majesty, to defray the Charge of the Government Prisons and Convict Establishments at Home, to the 31st day of March 1854."

Mr. LUCAS moved that the Chairman do report progress.

Motion made, and Question proposed, "That the Chairman do report progress, and ask leave to sit again."

Lord JOHN RUSSELL said, he trusted the Committee would not agree to the proposal. There was certainly no reason for reporting progress so early as eleven o'clock.

Mr. LUCAS said, the noble Lord had put the case as if he (Mr. Lucas) was not prepared to bring on the question. He had not put it on that ground, but upon the ground that it would lead to a longer debate than there was time for this evening, and because several hon. Gentlemen who wished to take part in the discussion were now absent. In the details appended to the Vote he found several sums, amounting to 4,520*l.*, for chaplains and other religious instructors in these prisons. In the vote for Irish prisons, sums were included for Protestant chaplains, for Roman Catholic chaplains, and for Presbyterian chaplains; in other words, in Ireland the fact was recognised that there were criminals of different religions, and some sort of provision was thus made for their religious instruction and reformation. But in the Vote for Government prisons in England not a single sixpence was asked for the payment of Roman Catholic chaplains, nor was anything paid in the local or country prisons for Roman Catholic chaplains, though a large sum was proposed to be voted for the maintenance of prisoners in those gaols. County gaols were entirely under the management of the Secretary of State for the Home Department; the rules were sent to him every year, and any alterations, amendments, or additions which he made were obligatory and binding upon the local authorities. County prisons, as well as Government prisons, were therefore, as regarded this question, under the management of the Home Secretary. What provision, then, was made for the religious instruction of Roman Catholic prisoners? None either in England or Scotland—with the exception of Millbank. Now he wanted to have an opportunity of laying the whole of this case before the Committee in detail; for it was impossible, without discussion, that so gross an injustice and absurdity should continue to be perpetrated. The motive of prison discipline was reformation; but with regard to Roman Catholic prisoners, reformation was begun with a profession of hypocrisy. The case was a grave one—it would require an answer from the Government, and it would certainly lead to a lengthened discussion on the part of Gentlemen who took the same view as himself. He had, therefore, no alternative but to press his Motion. To take the division now and the discussion afterwards was an absurdity, and he had only proposed it by way of joke.

Mr. VERNON SMITH thought the proposition of the hon. Gentleman very unreasonable; but if he was really determined to persevere with it, he (Mr. Smith) begged to submit to the noble Lord the leader of the House whether, with a view to the expedition of business, it would not be better at once to postpone the present vote, and proceed with others to which there was less objection. He begged at the same time to express a hope that the noble Lord the Secretary of State for the Home Department would take an early opportunity of giving the House some explanation on the kindred subject of transportation. He found that there was an enormous increase proposed under this head, and it was mentioned that 120,000*l.* was to be taken "to provide additional accommodation for convicts on the cessation of transportation." Now he, for one, was not aware that transportation was completely to cease. There had been as yet no discussion in that House on the subject; and, from what he had gathered out of the discussion in another place, it was left in doubt as to what position the question stood in. He thought, then, that they were entitled to ask the noble Lord the Secretary for the Home Department to give them some explanation of what this "additional accommodation" consisted, and also what secondary punishment he proposed to substitute for transportation?

Lord JOHN RUSSELL said, he had no objection to the course proposed by his right hon. Friend with reference to the present Vote. With respect to the very important subject mentioned by his right hon. Friend, it was undoubtedly desirable that, on some rather early occasion, the views of the Government with respect to transportation should be stated to the House. It would, indeed, be necessary before long to bring in a Bill on this very subject; and, either on the introduction of that Bill, or on the discussion of this Vote, the views of the Government should be stated by his noble Friend the Secretary of State for the Home Department.

Motion, and Original Question, by leave, *withdrawn.*

The following Votes were then *agreed to*:—

(42.) 160,465*l.*, Maintenance of Prisoners in County Gaols.

(43.) 69,518*l.*, Expenses of Transportation.

(44.) 244,054*l.*, Convict Establishment in the Colonies.

(45.) 260,000*l.*, Public Education, Great Britain.

(46.) 182,073*l.*, Public Education, Ireland.

(47.) 44,476*l.*, Departments of Science and Art.

(48.) 6,340*l.*, Royal Dublin Society.

On (49) 2,006*l.* Professors, Oxford and Cambridge,

Mr. W. WILLIAMS said, that having objected to the vote for Maynooth, he felt himself called upon to object to this vote also. It was very discreditable to the two Universities that they should require this annual vote. He understood that the college revenues of one of these Universities amounted to 150,000*l.* a year, and those of the other to 180,000*l.* Now he must say, colleges possessing this vast amount of wealth ought to be ashamed to come upon the public taxes of the country for this vote. The House had a return a few years ago of the number of persons who attended the lectures of the professors, from which it appeared that the attendance was most ridiculous. He hoped, therefore, that the vote would be withdrawn.

Mr. HADFIELD said, he also begged to enter his strong protest against this grant to the Universities. Those Universities excluded the majority of the people from the benefits which they yielded, and it was a piece of effrontery to tax this same majority of the people for the support of institutions from which they were excluded.

Mr. BLACKETT said, he wished to take that opportunity of putting a question to the noble Lord the Member for the City of London. In a discussion which took place some weeks ago, the noble Lord, in speaking of the improvement which might be introduced into the Universities, used language to this effect—namely, that he should not invite the assistance of Parliament, unless the Universities should show themselves to be unwilling to propose certain reforms themselves; and he believed the noble Lord used the expression of "within the space of either one, two, or three years." Now, there was a very unhappy vagueness about this statement; and he put it to the noble Lord, whether, in the interest of the Universities themselves, and in order especially to give the University of Oxford a fair notion of what he intended, it would not be better to fix some definite period within which, if the Universities did not bring forward some satisfactory measures of reform, he would think it his duty to invite the assistance of Parliament.

Lord JOHN RUSSELL said, he must beg to be allowed to mention, in the first place, with reference to the Vote then under discussion, that it had been stated several times on behalf of the Universities that they felt aggrieved that certain stamp duties should be levied upon them, especially upon taking degrees, and that they considered, on the whole, that they were more burdened by public taxation than benefited by the votes annually accorded them by the House of Commons. This statement he had certainly heard from quarters entitled to respect, and so far he might say that the whole question of this Vote combined with the burdens laid upon the Universities, was being considered by Government, and that if any arrangement could be made so as to render it unnecessary to ask for this Vote, they would be glad to adopt it; but at present, especially considering that the grant to those ancient institutions was the result of an engagement with reference to the civil list between that House and the Sovereign, he could not consent to withdraw the Vote. With respect to the question which had been put to him by the hon. Member for Newcastle-upon-Tyne (Mr. Blackett), he did not think he had stated any specific time—either one, two, or three years—beyond which he should consider the Government were free to propose any enactment which they might think necessary for the government and management of the Universities. What he had said was, that he did not think it would be expedient to proceed at present—meaning in the course of the present Session. The hon. Gentleman had asked him to fix a definite time beyond which he would not delay inviting the assistance of Parliament; but he (Lord J. Russell) would rather not fix any particular time. Hs would, however, hold the Government free to proceed after the present Session — he would consider that they were not bound to wait beyond that time.

Sir ROBERT H. INGLIS said, he must meet the statement of the hon. Member for Lambeth (Mr. W. Williams) with a similar answer to similar statements. The hon. Member had periodically made the same complaint, and as the reply, in facts and figures, was the same, truth required that the same answer should always be returned. The noble Lord (Lord J. Russell) said, the Universities paid a large sum in stamps for degrees, &c. The Universities paid double the amount in stamps—double the amount, in fact, which was received in the shape of fees. The grant to the professors was an act of liberality on the part of the Crown, for the purpose of encouraging learning. The grant at first was paid out of the revenues of the Crown, but by an arrangement on the part of that House it had been transferred from the Crown to the civil list. It was rather too much for that House to say now, that having got the control of the public funds, they would put an end to the bargain. About twenty years ago, another hon, Member for Lambeth brought forward a proposition of this kind; and Mr. Spring Rice, the present Lord Monteagle, then one of the Lords of the Treasury, laid on the table the documentary evidence, by which what he had just stated was proved to be the fact. If Government would not exact the stamp duty on degrees, he had no doubt the Universities would not be unwilling to consider how their claim to the smaller sum could be waived. With reference to the time to be given the Universities to come forward with their plan of reform, the noble Lord specifically said to the Universities, Government will not interfere if you will consent to destroy professorial chairs, and disregard the wills and intentions of founders; but Government could hardly expect that the Universities would adopt such a course indicated to them.

Sir De LACY EVANS said, he thought the Universities of Oxford and Cambridge stood on a very different footing from the University of London, for which a similar vote would next be taken. Oxford and Cambridge had very large property belonging to them, and the system of education there was most expensive. It was very proper to promote the education of the people; but the most opulent classes of the country received their education at Oxford and Cambridge, and the charges were abundantly large. Knowing that those Universities were richly endowed, that they possessed many sinecure appointments, and that the higher classes alone were educated within their walls, he did think it inconsistent to ask the public to contribute the sum of 2,000*l.* under the name of professors.

Mr. APSLEY PELLATT said, he agreed that the University of London was on a very different footing from the Universities of Oxford and Cambridge. The latter not only excluded those who could not conform to the established religion of the country, but prevented any divulgement of facts with regard to finances and endowments, by the imposition of oaths. They ought to look with great jealousy on societies that would not give the slightest information as to what were their incomes, or how they were derived. They must assume that their resources were abundant, and, therefore, a contribution from the State unnecessary. He was a great friend to education, and was glad to see the system of instruction by professors extended; but he thought the Universities of Oxford and Cambridge had money enough of their own, and should oppose the vote.

Mr. W. WILLIAMS said, the hon. Baronet (Sir R. H. Inglis) had stated that this grant was the consequence of a bargain on the part of the Crown; but he would like to know who authorised the Crown to make such a bargain. Some of the Colleges at Oxford and Cambridge possessed estates yielding 10,000*l.*, 15,000*l.*, 20,000*l.*, and even 30,000*l.* a year, and he thought it was most unjustifiable that the representatives of the people should be asked to provide lecturers for such institutions at salaries of something like 100*l.* a year each. He would not divide the Committee if he had the assurance of the noble Lord that the Government would take these matters into consideration.

Mr. DRUMMOND said, he thought the argument of the hon. Baronet the Member for the University of Oxford (Sir R. H. Inglis) had been either entirely evaded or overlooked. The argument was this: That this sum was the property of the Universities; that it was granted by the Crown; that Parliament chose to take upon themselves the payment of sums for which the Crown was pledged; and now, having done that, they wanted to break the bargain, and come and talk there of honour and integrity.

Vote *agreed to;* as were also the following four Votes:—

(50.) 3,955*l.*, University of London.

(51.) 8,026*l.*, Universities, &c. in Scotland.

(52.) 300*l.*, Royal Irish Academy.

(53.) 300*l.*, Royal Hibernian Academy.

On (54), 2,750*l.* Theological Professors at Belfast,

Motion made, and Question proposed—

"That a sum, not exceeding 2,750*l.*, be granted to Her Majesty, to pay the Salaries of the Theological Professors at Belfast, and Retired Allowances to Professors of the Belfast Academical Institution, to the 31st day of March, 1854."

MR. MIALL said, he understood this Vote would be given for the purpose of religious teaching in Belfast. A majority of the Committee had objected to a vote of a similar character with regard to Maynooth College, in Ireland. The principle laid down was, not that they objected to the Roman Catholic religion as such, but to public money being given for religious teaching of any kind. In consistency, therefore, they were bound to refuse this Vote.

SIR ROBERT H. INGLIS said, the hon. Member could only answer for himself and the views which dictated his vote, but he for one had never scrupled to declare he objected to paying any money for teaching that which he conscientiously disapproved. In conscience he disapproved of the teaching in Maynooth, and on that ground he objected to the vote with regard to Maynooth; but that was not the ground on which he conceived himself justified in objecting to any other vote on the table of the House.

MR. APSLEY PELLATT said, the great objection of the Nonconformists was to any allowance of the State for the teaching of religion, and, therefore, he should join in voting against this sum.

The CHAIRMAN asked if the hon. Member for Rochdale proposed to divide?

MR. MIALL said, he should certainly divide the Committee upon the whole of his class of votes.

Motion made, and Question put—

"That a sum, not exceeding 700*l.*, be granted to Her Majesty, to pay the Salaries of the Theological Professors at Belfast, and Retired Allowances to Professors of the Belfast Academical Institution, to the 31st day of March, 1854."

The Committee *divided:*—Ayes 21; Noes 130: Majority 109.

Original Question put, and *agreed to.*

The following Votes were then *agreed to:*—

(55.) 1,681*l.*, Queen's University, Ireland.

(56.) 22,700*l.*, British Museum (Buildings).

(57.) 1,500*l.*, British Museum (Purchases).

(58.) 4,263*l.*, National Gallery.

(59.) 2,200*l.*, Scientific Works and Experiments.

The House resumed; Committee report progress.

HACKNEY CARRIAGES (METROPOLIS) BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now Chair."

SIR ROBERT H. INGLIS said, he regretted that he should have to detain the House a few minutes on this question. The subject was one so new and important that he hoped hon. Members were in a better condition to judge of it than he was when the Bill was first introduced. By this Bill they were about to deal with property of one class, that in hackney carriages, of more than 1,700,000*l.*; and of another class, in cabs, of little less than 800,000*l.* When, in addition to that fact, he informed the House that the livelihood of many thousands of their fellow subjects in the metropolis was involved in this Bill, he was sure that any mere question of pounds, shillings, and pence would be merged by the House in the higher question of personal interests involved in the Bill. His own belief was, that a Bill of this sort was never passed unless it had undergone a previous investigation by a Committee of that House. He might allude to the subject of the Hackney Carriages Bill in 1835, and also to the Building Regulation Act, and to the Smoke Regulation Act, none of which were proceeded with in that House till they had been examined by a Select Committee. Had his hon. Friend (Mr. Fitz Roy), he would ask, satisfied the House by any statement which he had made in connexion with the measure under their notice, that he had thoroughly investigated the subject upon which he was about to legislate? The hon. Gentleman sought to induce the House to adopt a specific rate of wages as that which a particular class of their fellow subjects should be entitled to receive; and in carrying that object into effect, did he hope to receive the support of those hon. Members who were the consistent advocates of the principles of free trade? The Bill was in direct violation of the very principle for which his hon. Friend and his Colleagues glorified themselves, namely, that of free trade; for it sought to adopt a *maximum* and *minimum* of wages, prices, and profits, which a particular class of the community should be entitled to receive. Again, the power given to the magistrate by the Bill was most arbitrary. The question was one which in his (Sir R. H. Inglis's) opinion, assailed the liberty of the subject; and there were provisions in the measure before them which would prove hazardous to that liberty. Under Clause 14 were enumerated a large number of offences; and those who were convicted of having committed any one of those offences would be liable, at the discretion of a single magistrate, to a penalty not exceeding forty shillings, or to be imprisoned for a period not extending beyond one month. Now, in his opinion, that was a discretion which that House ought not, without due consideration, to vest in any single individual. He should, therefore, propose that in all cases of summary conviction before a magistrate, there should be a power of appeal to another and a higher tribunal; and he made this suggestion the more confidently, because he was aware that in many instances in which an appeal from the decision of a magistrate had been made, that decision had been unhesitatingly reversed. He hoped that his hon. Friend would have no objection to refer his Bill to the consideration of a Select Committee, in order that the subject to which it related might be more thoroughly investigated than it had been up to the present moment. When an analogous Bill was brought before Parliament in 1835 by the Government of that day, it was not thought unbecoming to submit it to the previous consideration of a Select Committee. His hon. Friend either knew of that fact, or he did not. If he did not, then he had entered upon a subject without inquiring into what was now termed its antecedents; if he did know it, then he had taken upon himself to depart from the practice and precedent of those who had previously legislated upon similar subjects with all the responsibilities which attached to Government measures. He was quite willing to admit that his hon. Friend had given the supreme direction in this matter to a very competent person. Still it was to be doubted whether even Sir Richard Mayne was entitled to such absolute power over the property and persons of any portion of his fellow subjects. He held in his hand one of the orders issued by Sir Richard Mayne; and he would ask any Member of the House whether he would be willing to put his name to the grammar of such a document. It ran thus—"No driver or licensed waterman are to prevent so and so." He should be ashamed if any servant of his household could be guilty of putting forth such a composition. But he did not accuse Sir Richard Mayne of this. He had not leisure to correct the grammar of those who prepared his general orders. If, however, that was the case, how was it to be expected that he could take personal cognisance of all the offences which would be created by this Bill? The House would, in fact, be leaving to the shadow of the name of Sir Richard Mayne a subject that was too important for any one individual, even for one who could give his whole mind and time to it. Before he concluded, he would just state to the House the amount of property concerning the management of which they were now called upon to decide. Before a single journey was made by the omnibuses, a capital of 414,000*l.* was sunk in horses, and 436,800*l.* in the construction of omnibuses; and, including the keep of the horses, the repairs of the omnibuses, and the licence duty, there was no less a capital involved than 1,709,600*l.* With respect to hackney cabs the case was similar. There were 3,500 cabs, and the amount of capital employed in them and in horses was 332,500*l.*; and, including the annual cost of the keep of the horses, the repairs of the cabs; and the charge of licences, the amount of capital involved 745,000*l.* The aggregate capital of the trade in both approached the sum of 2,500,000*l.* There was one fact which he wished particularly to point out. The duty paid by the proprietors of omnibuses and cabs was little less than 300,000*l.*, while the whole amount of duty paid by all the railways was not more than 252,000*l.* He thought he had made out a case which justified him in asking the House to consent to his Motion, by way of Amendment—namely, that the Bill now on the table should be referred to a Select Committee.

LORD DUDLEY STUART seconded the Amendment. He hoped they would give the subject a calm consideration. He knew that there was a general feeling of dissatisfaction towards persons connected with hackney carriages, because there was hardly any gentleman who had not at some time of his life been in altercation with some of these persons. Still, they ought to look carefully into this Bill, and take such steps as would give an opportunity for all its provisions to be thoroughly sifted. That could not be done so well in the House as in a Select Committee. He was not opposed to the principle of the Bill; he wished to see the public carriages of the metropolis made better, cheaper, and more convenient; but he wished to do justice, at the same time, to the drivers and owners of the carriages. The Bill concerned cabs and metropolitan stage carriages. His hon. Friend, in introducing the Bill, made a long speech in which he spoke of cabs only, and did not mention the metropolitan stage carriages, so that those concerned in those vehicles had no knowledge at first that the Bill would extend to them, nor could they have discovered it from the title of the Bill. The first objection he had to the Bill was, that it gave no power of appeal, but it gave to the Chief Commissioner of Police power to grant licences and take them away. He might be told that to send the Bill before a Select Committee would occasion delay; but the old adage was true—"most haste, worst speed." If the hon. Gentleman had adopted his advice, and had consented to the Select Committee when he first suggested it, they would already have had the Report on the table, or at least the Committee would have made considerable progress with its inquiries. There could, however, be no pretence for saying that the proposal would lead to delay, for the Bill was not to come into operation until the 1st of October, and, therefore, there was plenty of time. For Sir Richard Mayne he had the highest esteem, but they might not always have such a chief commissioner, and, at all events, the power was too much for one man. He could not conceive what objection there could be to refer the Bill as proposed.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'the Bill be committed to a Select Committee,' instead thereof."

MR. FITZROY said, that he hoped the House would agree with him in thinking that the hon. Baronet the Member for the University of Oxford (Sir R. H. Inglis) had not adduced reasons sufficiently strong to justify him in acceding to the proposition for referring the measure before them to a Select Committee. The hon. Baronet and the noble Lord who had seconded his Motion, stated, that they wished to have certain Amendments introduced in the Bill. Now he had no hesitation whatever in saying that those Amendments should meet with his most respectful consideration, and should—if such a proceeding were not inconsistent with his duty—be readily adopted. If the Bill were referred to a Select Committee, the evidence which would be laid before that Committee would be the testimony of the omnibus and the cab proprietors themselves, while the public would be almost altogether excluded from placing their views and opinions before the Members who would compose that tribunal. On the contrary, the course which he (Mr. Fitzroy) proposed to take would enable hon. Members in a Committee of the whole House to consider impartially the measure before them, to bring their experience to bear upon it, and to suggest such Amendments as they deemed desirable for the advantage of the public, and the proper regulation of those conveyances with which the Bill proposed to deal. The hon. Baronet was not quite correct in stating that the last Act on the subject was passed eighteen or nineteen years ago. He had forgotten that the 6th & 7th of Victoria, by which the licensing of cabs and stage-carriages was at present regulated, had been passed long since the 1st & 2nd of William IV. As to the arbitrary powers conferred on the Chief Commissioner of Police by the Bill, the only addition to those he already possessed was, that of inspecting carriages and horses, and granting the owners a certificate, or giving them notice, in case they were unfit for public use, and then suspending their licences. He considered that power essential to the working of the Bill. If appeal was given against his decision, was it not plain that the Bill must be useless? for, when the Chief Commissioner decided that a cab or horse was unfit for use, and the owner appealed, the public might have to go on for three months using it till the appeal was heard. He was perfectly ready to admit that there was an immense amount of property at stake; but on the other hand, there ought to be some consideration for the large number of persons travelling by the metropolitan conveyances. Perhaps it would hardly be credited that, calculating that each omnibus in London had 250 passengers per day, no fewer than 300,000,000 persons would be annually conveyed by them. At present many of those vehicles were perfectly unfit for use; they were narrow, ill-ventilated, deprived of light and air by the advertisements pasted over the windows; and was it not necessary, both for public use and for public credit, that those omnibuses should be put into an efficient state? If the House gave their assent to go into Committee, no injury whatever would be inflicted upon the interests of the proprietors; but, he believed that, on the contrary, this Bill would be for their pecuniary advantage. Under these circumstances, therefore, believing that a Committee of that House was perfectly competent to dispose of the Bill, he should certainly resist the Motion of the hon. Baronet.

Mr. BECKET DENISON said, he was of opinion that the Bill ought to be sent before a Select Committee. If that course were not adopted, the proprietors of stage and hackney coaches would not have an opportunity of stating their case; and, with all respect to the House, he thought it was not a competent tribunal to decide upon this matter without hearing the other side of the question.

Sir JOHN SHELLEY begged to return his thanks to the hon. Gentleman who had brought forward this Bill. He had come to the conclusion that, in the long run, the effect of the reduction in the fares would be very beneficial to the cab proprietors themselves. Hon. Members had alluded to the property invested in cabs and omnibuses; but he appealed to the House whether there was a large town either in England or on the Continent, where the public vehicles were of so wretched a character. As an instance of the good that would result from the Bill, he might mention a circumstance which had recently occurred to himself. Some days ago he had accidentally left a large bundle of papers distinctly marked with his name in a cab, and it was only that very day that the Hansom cabdriver had brought them to his house, in the hope of obtaining a reward. If the Bill had been law, he should have been furnished with a ticket specifying the number of the cab, and should have been able to find the driver in an hour or two. The only fair ground for argument was the question of appeal; but he could not think that a Committee of that House was not as good a tribunal before which to argue that point as a Select Committee upstairs. Believing, therefore, that ample justice might be done to those who had invested their capital in those trades by a Committee of that House—believing also that the general convenience of the public required some important alteration—he should certainly support the hon. Gentleman (Mr. Fitzroy) in the course proposed by him.

Mr. NEWDEGATE said, he should support the proposal for referring the Bill to a Select Committee. They ought to afford a hearing to the parties most interested in the question, before they determined on requiring a better description of vehicles than those at present in use, and on effecting, at the same time, a considerable reduction of fares.

Mr. MALINS said, it was a desecration of the name to speak of the four-wheeled things that went about London as "property." Those nailed-together boards which were called cabs, and in which ladies and gentlemen were put to be driven about, were a disgrace to the metropolis. As to springs, there were no springs at all, and you were shaken to death in them. Then, again, the drivers were the most ignorant men in the world, and frequently did not know the difference between the east and the west end of town—the north and the south side of a square; so that, he thought, there ought to be an examination into the qualification of the cab driver before he was appointed. He differed from his hon. Friends around him, in approving most cordially of the principle of this Bill, and in thinking there was no need of referring it to a Committee upstairs.

Mr. BRIGHT said, if he had not heard from the hon. Gentleman (Mr. Fitzroy) an expression of great willingness to receive suggestions upon points of detail from both sides of the House, he would have rather seen the Bill referred to a Select Committee. He thought that, as most hon. Members were great cab riders, and experienced personally, therefore, the inconveniences of the present system, they ought to be careful not to allow their individual annoyances to influence them in legislating upon this subject. In his opinion, the unfortunate condition of cabs in the metropolis was to be attributed very much to the want of a proper municipal government in London. At present the drivers were exposed in our streets to all the vicissitudes of our often most inclement weather; whereas, under proper municipal government, the cab-stands would have been placed in wide streets, under a glass roof, where the men would have been sheltered from the weather. By this, and similar arrangements, a great improvement would have been effected in the character of the drivers and of their vehicles.

MR. BONHAM-CARTER said, he also would refer to the privations to which the cabmen were subject, and the temptations to which they were exposed. They admitted that many improvements were capable of being effected by legislation; and those who had good cabs would readily submit to the inspection. He was in favour of the Bill being referred to a Select Committee.

MR. LOCKE said, the cab owners ought not to be precluded from a hearing before a Select Committee. Had such a course been proposed with reference to any larger interest, it would at once have been acceded to as a matter of justice. While much improvement was required in the cabs, and a Bill for that purpose might be necessary, they ought not at the same time to insist on a reduction of the fares, which would be an interference with the rights of property and commercial enterprise.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided* :—Ayes 107; Noes 23: Majority 84.

Main Question put, and *agreed to.*

Bill *considered* in Committee.

The House resumed. Committee report progress.

The House adjourned at a quarter after One o'clock.

HOUSE OF COMMONS,

Friday, May 20, 1853.

MINUTES.] PUBLIC BILLS.—2° Income Tax; Lunacy Regulation; Lunatic Asylums; Lunatics Care and Treatment.

IMPROVEMENTS IN HYDE PARK.

MR. OLIVEIRA said, he wished to ask the First Commissioner of Works whether it was intended to remove the old dilapidated shops which deface Hyde-park from Albert-gate eastward; what the tenure of the present occupants of those shops might be; and whether parties might not be found ready to undertake the removal of these objectionable buildings, and to improve the locality without entailing any expense on the Government; also, whether a carriage drive should not be constructed through Hyde-park from or near Victoria-gate to Rotten-row, near Princes-gate; and whether the removal of the cavalry barracks from Knightsbridge was under consideration, by which the public enjoyment of that portion of Hyde park would be much enhanced, and a great benefit conferred upon the residents in that locality?

SIR WILLIAM MOLESWORTH, in reply to the first question, said that the houses to which the hon. Member had called his attention, were held under lease of the Dean and Chaper of Westminster; that the lease would expire in about fifty-six years from this time; that the Dean and Chapter had refused to renew the lease; and that it was their intention if they could buy the property at a reasonable price, to make important improvements. To the second question he had given an answer last night, when he stated that he doubted whether it would be expedient to make a carriage drive, because, although such a drive might be advantageous to those who went in carriages, it would not be so advantageous to foot passengers. With regard to the third question respecting the cavalry barracks at Knightsbridge, he wished to inform the hon. Member that the subject was not under the consideration of the Government.

EXCISE DUTIES ON SPIRITS BILL.

On the Motion that the House at its rising should adjourn till Monday next,

CAPTAIN JONES said, he must express a hope that the right hon. Chancellor of the Exchequer would postpone the consideration in Committee of the Spirit Duties Bill until a later day than that which had been fixed upon. The distillers in Ireland would be most materially affected by the provisisns of that Bill, and it was but fair that they should have an opportunity of urging their views in connexion with that measure upon the attention of Government.

The CHANCELLOR OF THE EXCHEQUER said, that the parties who were likely to be affected by the provisions of the Spirit Duties Bill had had ample time since the Bill had been printed to consider those provisions. To his own knowledge persons who lived at a considerable distance from London were at present in town for the purpose of communicating with Government, and with the revenue department, with respect to the measure in question. He did not think that there was the slightest occasion to fear that any person would be taken by surprise; but he should, at the same time, state to the hon. and gallant Member the position in which the Government were placed with reference to the progress of public business. It was exceedingly important that there should be no needless delay in taking the opinion of the House upon the main question in connexion with the Spirit Duties Bill—merely the increase of the duty to a certain amount. What he should propose was to go into that point after the House should have disposed of the Customs Resolutions. Assuming that the Income Tax Bill was read a second time that evening, he proposed to go into Committee upon this Bill on Monday. The Customs Duty Resolutions would be taken afterwards, and then the House might go into Committee upon the Spirit Duties Bill.

Mr. MAGUIRE said, he was of opinion that the right hon. Gentleman laboured under some misapprehension, in supposing that parties throughout the country who were interested in the measure would not be taken by surprise. He had travelled within the last few days with distillers from the south of Ireland, who were deeply interested in the passing of the Spirit Duties Bill, and who were anxious to communicate with Government before that Bill went into Committee. From his own experience he could say that those parties would not be prepared to visit London before the middle of next week.

ANNEXATION OF PEGU.

Mr. COBDEN: Sir, I have given notice of a question to the right hon. Gentleman the President of the Board of Control, and I hope I shall be excused if I preface it by a few observations, because it has reference to a subject which I am anxious to bring before the House, and it is in consequence of the difficulty experienced by private Members in bringing subjects under discussion that I now ask permission to say a few words. We have been informed by the papers which have been laid on the table, that Pegu, a territory belonging to the Burmese empire, has been annexed to our Eastern territories. But in reading over those papers there is some difficulty in ascertaining by whose authority that territory has been annexed to the British possessions in India. I observe that the Governor General of India, in his proclamation annexing the province of Pegu to India, mentions communications which he has had with the Secret Committee of the Court of Directors of the East India Company, and says that he had their concurrence and approval in the step which he has taken; but it does not appear from those papers whether the Government of the country, through the medium of the Board of Control, has been an active and consenting party to that step. Now, I have no doubt I shall be told, that as this Secret Committee of the Court of Directors of the East India Company, has given its consent to this proceeding, that it has been done with the sanction and concurrence of the Board of Control, as representing the Government of this country. But in putting this question, I wish to draw the attention of the House to the anomalous position in which this country is placed in consequence of the present extraordinary state of the Government of India. Here is a territory—I cannot say how large, and I suppose nobody can tell me its extent, for the maps have not defined its boundary—possessing several millions of inhabitants in a very barbarous state, for we are told that, owing to the extreme oppression practised upon them, they are very inferior to the rest of the population of Burmah—here is a territory annexed to our possessions, and here are several millions of semi-barbarians admitted to the rights and privileges of Englishmen. They are now our fellow-subjects. We are responsible for their good government. They share our rights and privileges. We are bound to protect them under all circumstances; and if they wander as far as Shanghae or California, the British flag must follow them for their protection. This is a most serious responsibility. But this is not all. We are also responsible for the good government of that territory which we are incorporating with our own. What I wish to impress upon the House is, that before we undertake such a responsibility, we ought first to know by whose authority this territory has been annexed to our own territories. And I also maintain that the people of this country, through their representatives, ought to have the opportunity of expressing their opinion on so important and portentous a proceeding. I hope, and believe I am not singular in my opinion, that so far from regarding this acquisition of territory by our Indian Government as a compensation for the war which has been carried on, or the injuries alleged to have been committed upon us—so far from considering the possession of this additional territory beneficial, I look upon it as a very serious evil to this country. It has been pronounced again and again, by many eminent men, a great evil to extend our territory to the East. It is a very anomalous state of things to have added to our possessions a territory of 20,000 or 30,000 square miles, and a population of 4,000,000 or 5,000,000 semi-barbarians, without a word having been uttered in this House on the subject. No one knows what steps have been taken, or who is responsible for these proceedings from the beginning to the end. What I wish to ask is—first, was the province of Pegu annexed to the British territory in India by the Governor General in Council without previous instruction from home; and, if so, by what law has he the power to extend our eastern possessions? And, secondly, I wish to know, if the Governor General has acted in compliance with orders from the Home Government; and, lastly, if there is any despatch in existence defining the boundaries of the newly-acquired territory?

Sir CHARLES WOOD: Sir, I hope the hon. Gentleman will not think I treat him with any disrespect when I say I do not think it a reasonable practice to introduce discussions of great importance, simply on the notice of a question to be put upon the Motion for adjournment. I, however, do not wish to complain of the course he has taken. About two hours ago I received notice of the questions which the hon. Member has put: those questions I am ready to answer, and to those questions I shall confine myself. I do not say that we ought not to have a discussion on the subject; but I think it not a convenient course to raise it on a simple notice of asking a question, and I had not the slightest notion that any discussion would now have been raised. My hon. Friend asks—"Was the province of Pegu annexed to the British territory in India by the Governor General in Council without previous instruction from home?" My answer is, Certainly not. If the hon. Member will refer to the papers on the table, entitled "Further Papers relating to Hostilities with Burmah," he will find, at page 46, that the Governor General says—

> "This province of Pegu, extending somewhat above Prome, may be retained and permanently occupied as British territory on the termination of the war"—

as the best means of indemnifying the Government for the expense of the war, and the losses to which it has been put in vindicating the rights of British subjects in India. He will also find at page 53 a despatch from the Secret Committee to the Governor General of India in Council, and he must have been long enough a Member of the Committee on Indian Affairs to know that a despatch framed in that way does convey the authority and sanction of the Government of this country. The approbation and authority of the British Government is conveyed in these words:—

> "We are of opinion that the permanent annexation to the British dominions of the province of Pegu, including Prome within its northern limit, should be adopted as the measure of compensation and redress for the past, and of security for the future, which we ought to insist upon."

The Governor General subsequently states, that such is his view, subject to the approval of the Government; and that approval, in a despatch dated the 3rd December last, was conveyed to the Governor General. My answer to the first question, therefore, is, that undoubtedly the authority of the Government of this country was given to the Governor General for the annexation of Pegu. The second question of the hon. Member is—"If the Governor General has acted in compliance with orders from the Home Government, and is there any despatch in existence defining the boundaries of the newly-acquired territories?" There is no such despatch in existence. Pegu is a country totally distinct from Burmah. It was conquered by the Burmese, and is inhabited by a different race of people, who have uniformly received our troops in the most kind and cordial manner for delivering them from their former conquerors and oppressors. The precise boundaries are not properly known, but directions have been given by the Governor General to mark out the line of boundary, and to lay down a distinct line of demarcation between the territories of Burmah and the annexed province of Pegu.

Mr. MILNER GIBSON: Will the right hon. Gentleman allow me to ask him whether he has sufficiently informed himself on the question as to be able to hold out any hope that the new province will pay its own expenses? It is stated to have been taken as an indemnity for expenses which have been incurred. I wish to know whether he can give us any asurance that it will even pay its own expenses.

Sir CHARLES WOOD: I cannot give a positive answer, but so far as I am informed, I have every reason to believe that the province will pay its own expenses, besides placing in our hands a great check on the power of the Burmese from our being in possession of all the seaports, which give access to their country.

Mr. BRIGHT: The right hon. Gentleman seems to have taken an opportunity of lecturing my hon. Friend (Mr. Cobden). ["No, no!"] But he should recollect that there are unfortunately few opportunities for making statements, however important. In the other House of Parliament, on the presentation of petitions, questions can be discussed at full length. That formerly was the practice here. I certainly do not recommend any return to such a practice, because it would interrupt the business of the House. But still, when the Government have withdrawn a day from those who are called independent Members, and are attempting, Session after Session, to compress their opportunities into the smallest possible limits, I think they ought not to take it so unkindly if, now and then, they are called to order a little on matters of this sort. The right hon. Gentleman says, the province of Pegu will pay its own expenses. That is precisely the statement that has been made by every President of the Board of Control for the last fifty or seventy years; and there is no instance that I am aware of in which the statement has not been falsified by the result. And if we are to take the assertions of persons well informed with respect to Indian affairs, there never was, from the time of Lord Clive to that of the Marquess of Dalhousie, a smaller chance of any territory paying its own expenses than the territory of Pegu. I wish to ask the right hon. Gentleman if he is able to give the House any probable information as to the present expenditure of that war. As we are now within a fortnight of the discussion of matters connected with India, I hope the right hon. Gentleman will be able to give us some information on this point. We generally find out the expense of such an affair four or five years after it has happened, and when we have no possible control over it. We sometimes catch a President of the Board of Control before a Parliamentary Committee, and then the eyes of the country are opened as to what is going on. I should be glad if the right hon. Gentleman can tell us anything about the probable expense, and also whether any further despatch has gone out from the Government to authorise the seizure of any larger portion of territory than that included in the Governor's despatch; and whether the proposition of going to Ava has been sanctioned?

Sir CHARLES WOOD: I must positively deny giving a lecture to the hon. Member for the West Riding (Mr. Cobden). I merely pointed out the inconvenience of discussing important matters on such occasions as the present. With respect to the question put by the hon. Member for Manchester, I cannot at this moment state precisely the expenses of the Burmese war; but if he will repeat the question on Monday, I will endeavour to give him an answer. In the course of the last year it was within the ordinary revenue of the country, and I have every reason to believe that it still remains so; but I do not like to speak of figures without reference to paper. With respect to the second question, whether any order has been sent out to annex any further territory, I have to reply—Most decidedly not. My anxiety was, that the annexation should be confined within the narrowest possible limits, and that no other portion should be taken than the country within the valley of the river Irrawaddy, which is an exceedingly fertile country.

THE REBELLION IN CHINA.

Viscount JOCELYN said, he wished to put to the noble Lord (Lord J. Russell) a question upon a subject of much importance to the people of this country. In the course of the last few weeks statements had appeared in the public prints to the effect that a rebel force, which had for some time been harassing the Chinese dominions, had met and defeated the armies of the Emperor. According to the latest news, that force was proceeding to attack the capital of China. It was stated likewise, that the Emperor had applied to the representative of Her Majesty's Government in China for aid in suppressing the insurrectionary movement. He wished to ask the noble Lord whether Her Majesty's Government had received any papers upon that subject, which they would be prepared to lay before the House? Whether any such application as that to which he had referred had been made to the Governor of Hong Kong; and if it had been made, what was the course which Her Majesty's Government deemed it advisable to pursue in the matter?

Lord JOHN RUSSELL said, he would

state all he knew of those occurrences. It appeared that the force in rebellion against the Emperor of China had advanced a considerable distance; and, according to the last report, the city of Nankin had fallen into their hands. It was not certain that that was the case; but at all events that city was menaced, and the rebels were still advancing. Under these circumstances the Prefect of Shanghae, by order, as he said, of the Governor of the province of Nankin, had made an application for assistance to Sir George Bonham, Her Majesty's representative at Hong Kong. Sir George Bonham was about to proceed to Shanghae, with the view of protecting British interests in that place; and a confident expectation was entertained that the existing means would be sufficient to protect British persons and property at Shangahe. The orders which had been issued by the Government were, that sufficient precautions should be taken for the protection of the lives and of the property of British subjects, but that the forces of this country should not interfere in the civil war. He could not say that the Government were at present prepared to lay the papers connected with the subject before the House, and neither could he state the precise course which they might deem it advisable ultimately to adopt.

KILMAINHAM HOSPITAL.

Mr. I. BUTT said, he wished to ask the right hon. Secretary at War, how and in what manner the inquiry into the present state of Kilmainham Hospital, mentioned in Her Majesty's answer to the Address of this House, had been or would be instituted and carried on, the names of the persons conducting such inquiry, and any instructions given to them in relation to it; also, whether the result of such inquiry would be communicated in a formal and official shape to this House; and also what are the intentions of Her Majesty's Government with reference to carrying out the declared wish of this House for the maintenance of the hospital as a shelter for maimed and worn-out soldiers in Ireland?

Mr. SIDNEY HERBERT said, he had placed himself in communication with Sir Edward Blakeney upon the subject, and he had forwarded to him a list of queries, the answers to which would place him in a condition to judge of the state of that hospital. He had also made inquiries with respect to the regulations under which pensioners were admitted into Chelsea Hospital; and he had to state that it was the intention of the Government to issue orders under which the restrictions which applied to the admission of pensioners to Chelsea Hospital, should be extended to Kilmainham Hospital. The object which the Government sought to attain was, that when pensioners were admitted into the latter establishment, security should be given that none but really maimed and worn-out soldiers should avail themselves of the privilege; so that there might be no recurrence of the abuses which had prevailed at Kilmainham Hospital in former times.

MAYNOOTH COLLEGE.

Mr. MAGUIRE said, he wished to ask the noble Lord (Lord J. Russell) whether Her Majesty's Ministers would allow the Vote in reference to the repairs of Maynooth College to remain in its present state, or whether they would bring in a Supplementary Vote for the purpose of carrying on those repairs? He would take that opportunity of also asking the noble Lord when it was the intention of the Government to bring in their Bill for the settlement of the question of Ministers' Money in Ireland?

Lord JOHN RUSSELL said, that if he rightly understood the hon. Gentleman, his first question was, whether the Government intended to propose a Supplementary Vote for the repairs of the College of Maynooth. He had only to answer that question by saying that the Government having introduced into the regular estimates a Vote for the repairs of the College of Maynooth, and that House having in a Committee of Supply refused to grant the sum necessary for those repairs, it was not the intention of the Government to propose any such Supplementary Vote. In reply to the second question of the hon. Gentleman, he had to state that the Government meant to introduce a Bill on the subject of Ministers' Money in Ireland; but he could not then say on what day they would be prepared to bring forward that measure.

Motion *agreed to.*

House at its rising to adjourn till *Monday* next.

INCOME TAX BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. DISRAELI said, that in consideration of the state of public business, it was not his intention to offer any opposition to the Bill at that stage. Of course, however, in making that declaration, he wished it to be clearly understood, on the part of himself and of the Gentlemen with whom he acted, that they reserved to themselves the right of making in Committee any objections they might think fit to the clauses of the Bill, and that on the third reading it should not be assumed that they had assented to the principle of the measure. Their only object in then agreeing to the second reading was to facilitate the progress of public business.

MR. CRAUFURD said, he wished to ask the right hon. Gentleman the Chancellor of the Exchequer whether, as regarded the operation of that measure, he meant to apply the same principle to the property of the Royal burghs in Scotland, which he meant to apply to the property of corporate bodies in England?

The CHANCELLOR OF THE EXCHEQUER said, it appeared to him that that was a question for the consideration of the Committee on the Bill. He had then only to say that he was not aware of any reason why the property of the Royal burghs in Scotland should be treated differently from the property of corporations in England.

Bill read 2°.

CUSTOMS RESOLUTIONS.

The CHANCELLOR OF THE EXCHEQUER said, he would now state, for the convenience of the House what he proposed with regard to the Customs Resolutions. It was admitted on all hands to be of great importance that these Resolutions should be passed as soon as the House might find it convenient; and he believed that with respect to a very large number —nearly the whole in fact—of the proposals of the Government in reference to the Customs, there was no disposition either to oppose or to debate them. With regard, then, to those portions of the Resolutions, he should propose, on whatever evening they finished the Committee on the Income-tax Bill, and at whatever hour it might be, to pass all the remissions of customs duty with respect to which there was no disposition to raise any question, reserving for a future evening those portions of the Resolutions to which he understood objections were to be made.

MR. DISRAELI said, it would be more convenient if the right hon. Gentleman would bring forward the Customs Resolutions on Monday, and take the Committee on the Income-tax Bill on Friday.

The CHANCELLOR OF THE EXCHEQUER said, it was most important that they should take the Committee on the Income-tax Bill before the Customs Resolutions.

SIR FITZROY KELLY said, he hoped the right hon. Gentleman, considering the immense importance of the subject to all classes of the community, would consent to delay the Committee on the Income-tax Bill till Friday. From a circumstance, which was well known, a large number of the Irish Members were now absent, and they would probably not be in their places on Monday. It would be scarcely fair, therefore, towards those Members, and would certainly be attended with great disappointment and inconvenience, if the Committee on the Income-tax Bill—a measure in which they felt particularly interested—should be proceeded with on that day. Considerin gthat no opposition had been made to the second reading of the Bill, he hoped the Chancellor of the Exchequer would consent to the suggestion of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) and take the Customs Resolutions on Monday, reserving the Committee on the Income-tax Bill till Friday.

The CHANCELLOR OF THE EXCHEQUER said, it would be extremely agreeable to his Colleagues and himself if they could meet the wishes of the right hon. Gentleman opposite; but he was very sorry to say that public duty obliged them to adhere to the order of business which they had announced to-night only in conformity with former intimations. The success of the Income-tax Bill depended mainly upon its next stage, and, as that measure was regarded by the Government as the basis of the whole of their financial propositions, they felt it necessary to withhold all remissions of duties until the House had given its assent to the Income-tax Bill. He might remind the hon. and learned Member for East Suffolk (Sir F. Kelly) of the announcement made before the recess—that in the event of the House agreeing to read the Bill a second time to-night, it should be considered in Committee on Monday next. He could not but think that the Irish Members would be found, as they certainly ought to be, in their places on Monday, and that, too, after having enjoyed quite as long a Whitsuntide vacation as was usually allowed.

Subject dropped.

EXPENSE OF CRIMINAL PROSECUTIONS IN IRELAND.

On the Motion for going into Committee of Supply,

Mr. MACARTNEY said, he would take that occasion to point out the injustice of paying the expense of prosecutions at assizes and quarter-sessions in England out of the national funds, and allowing the same item to fall as a burden upon the county rates in Ireland. In 1846, when the corn laws were repealed, the late Sir Robert Peel promised that the expense of such prosecutions should be paid out of the Consolidated Fund both in England and Ireland. So far as England was concerned, the spirit of that promise had been carried out; but the expense of prosecutions at assizes and quarter-sessions was still left as a local burden in Ireland, and he desired to know, therefore, whether it was the intention of the Government to propose a Supplementary Vote for the relief of Ireland.

The CHANCELLOR of the EXCHEQUER said, he was not aware of any promise having been given by Sir Robert Peel such as that referred to by the hon. Gentleman; but viewing the question raised in the light of policy or expediency, he thought it was one which the hon. Gentleman was fairly entitled to urge upon the attention of the Government, and it was clearly the duty of the Government to give it a full and fair consideration. His Colleagues and himself would do so, but, in the meantime, they were not prepared to propose a Supplementary Vote.

Mr. MACARTNEY said, he would refer the right hon. Gentleman to the debates in *Hansard* on this subject.

Colonel DUNNE said, he had no faith whatever in promises of the kind alluded to by the hon. Member for Antrim (Mr. Macartney); but he based the present question upon the ground of policy, and believed that if a Committee were to be appointed to investigate this subject, Ireland would easily prove its claim to be exempted from the payment of these charges.

Sir JOHN YOUNG said, the whole subject of local burdens in Ireland was well worth consideration, and the Government would give its attention to the point mooted by the hon. Member for Antrim. He was prepared to go into a full inquiry as to the way in which the local burdens in Ireland were assessed; but that was a totally different question from proposing to place a portion of them upon the Consolidated Fund.

SUPPLY—MISCELLANEOUS ESTIMATES.

House in Committee of Supply; Mr. Bouverie in the Chair.

(1.) 4,049*l.*, Bermudas.

(2.) 7,647*l.*, Clergy in North America.

Sir JOSHUA WALMSLEY said, he trusted that the object of Ministers and of that House was to deal out evenhanded justice to all classes of Her Majesty's subjects. They had, on the previous evening, rejected a vote which deeply interested 6,000,000 or 7,000,000 of Her Majesty's subjects—he meant that for the repairs of Maynooth; and seeing that the present Vote referred to parties who had the clergy reserves to fall back on, he thought it only fair to the hon. Members near him (the Irish Members) to move that this Vote be disallowed.

Mr. FREDERICK PEEL said, that the question raised by the Vote was not the policy of supporting a Church Establishment in the British North American Colonies. That policy had formerly been pursued by this country; and when it had been pursued, a number of clergymen had been induced to proceed to the British North American Colonies on the distinct understanding that as long as they might continue to officiate there they should receive a certain allowance. If the Committee should refuse to pass the present Vote, a direct breach of faith would be practised on those parties. There was no intention on the part of the Government of making any further provision for clergymen in North America; no new appointments were to be paid; and no vacancies among the recipients of that Vote were to be filled up. The amount of the Vote was thus becoming gradually diminished, and in the course of time it would necessarily cease altogether.

Sir JOSHUA WALMSLEY said, he wished to know if it was to be distinctly understood that there were to be no fresh sums voted under that head?

Mr. FREDERICK PEEL replied in the affirmative.

Mr. JOHN M'GREGOR said, he should support the Vote solely for the purpose of maintaining the faith of Parliament.

Mr. W. WILLIAMS said, he would not oppose the Vote after what had fallen from the hon. Gentleman the Under Secretary for the Colonies.

Vote *agreed to.*

(3.) 12,151*l.*, Indian Department—Canada.

Mr. W. WILLIAMS said, he objected

to this vote because he considered that these Indian tribes were quite able to take care of themselves; and, consequently, the grant was unnecessary. He should be satisfied if he had an assurance that as the present recipients died off the charge would cease.

MR. FREDERICK PEEL said, the Government were not going to wait until the parties died off, but intended to proceed at once to abolish the charge. So far as the principal item, the presents to the Indians, was concerned, 7,700*l.*, they had divided it into four parts, one of which would cease every year; so that the whole would expire at the end of four years.

MR. JOHN M'GREGOR said, he must condemn the practice of giving presents to the Indians; but, at the same time, he begged to express his satisfaction at the explanation of the hon. Under Secretary.

MR. NEWDEGATE said, he believed that the continuance of these presents was one of the conditions on which the Indians had sold their land to us, and had also assisted us in time of war. He should be glad to be informed of the reason why these poor people were about to be deprived of this boon.

MR. FREDERICK PEEL said, he apprehended that no inconvenience would follow from discontinuing the presents. He felt quite certain that England had derived no benefit in return for them.

MR. NEWDEGATE said, he believed that the Indians in Canada were materially benefited by these presents, and still considered that they were originally made for military services and for the cession of land to the British Government. He must confess that he saw with feelings of discontent a proceeding which amounted to repudiation.

LORD JOHN RUSSELL said, that when he was Secretary of State for the Colonies, he had proposed to do away with this grant; but he had been induced to postpone his intention. He had, however, never heard it argued at that time that the Indians had a claim upon us for those presents in return for surrendering their lands to us.

MR. BRIGHT said, he had the authority of a Canadian gentleman for stating that these presents were most pernicious in their result upon the Indians themselves, especially in the mode in which they were given. He had been lately informed by a gentleman who had seen them distributed, that the blankets and money which were given, were, on the same day, spent in the purchase of spirits, in which the recipients indulged to excess, and the whole district was in consequence the scene of the most frightful and appalling debauchery generally for some days after. He was glad, therefore, to hear that Government had decided upon withdrawing the grant; but he hoped they would not find, after paying thirty-five per cent for distributing the presents, that the salaries of the persons who had that duty were distributed over the other votes. He was of opinion that for a long time past the practice of giving those presents had been continued rather for the sake of the commission than for the benefit of the Indians.

MR. JOHN M'GREGOR said, he must deny that the grant had been ever given in consequence of any concession of lands by the Indians.

MR. NEWDEGATE said, he only required that any conditions which might have been entered into with the Indians should be kept.

LORD JOHN RUSSELL said, he believed that we were not bound by any agreements to give presents to the Indians. He should, however, inquire into the matter.

Vote *agreed to.*

On (4.) 19,428*l.* Governors, Lieutenant Governors, and others in the West India Colonies and Prince Edward's Island,

COLONEL DUNNE said, he wished to know why Demerara, Honduras, and other islands, which were self-supporting, were not mentioned in the estimates?

MR. FREDERICK PEEL said, all the colonies whose salaries were paid out of a Parliamentary grant were included in these estimates; but the rest, whose emoluments were paid out of the colonial resources, were put into the colonial estimates.

MR. VERNON SMITH said, he wished to ask whether the salary of the Chief Justice of Anguilla, which was put down at 100*l.* a year, was the whole that person received?

MR. FREDERICK PEEL said, that this was a sum paid to the Chief Justice of the Leeward Islands in addition to his salary, in return for his discharge of the functions of Chief Justice of Anguilla.

MR. W. WILLIAMS said, he thought the Colonies ought to maintain their own governors, and he particularly objected to so large a sum as 4,000*l.* a year being paid to the Governor in Chief of the Windward Islands.

Mr. FREDERICK PEEL said, that with regard to the large salary to the Governor of the Windward Islands, his impression was, that when the arrangement was originally made, the Governor in Chief was in command of that station. Latterly, however, that office had not been held in conjunction with the office of civil governor. It must be borne in mind that Barbadoes was a great naval station, and the head quarters of the Windward Islands; and the Governor in Chief was called upon to exercise more hospitality than the Governor in Chief of the Leeward Islands.

Mr. JOHN M'GREGOR said, he was of opinion that they would never be able to govern the colonies unless this country paid the salaries of the Governors and Chief Justices, in the same way as they paid the salaries of Ambassadors at foreign Courts.

Mr. W. WILLIAMS was not surprised at his hon. Friend (Mr. J. Macgregor) differing from him in opinion in this matter; for since his hon. Friend had been a Member of that House, he had never known him to stand forward to promote economy; but, on the contrary, was always for spending the public money, and throwing the weight of his influence, as the representative of a large constituency, on the side of any Government that was inclined to be extravagant. Barbadoes was in a most prosperous condition, and there was no reason why this country should be called upon to pay this large salary of 4,000*l.* a year to the Governor of that island.

Vote *agreed to.*

(5.) 30,262*l.* Justice in the West India Colonies and the Mauritius.

Mr. W. WILLIAMS said, he thought that the continuance of such a charge upon the public funds of this country for the purpose of providing magistrates for the West India Colonies was most unjustifiable. He should not, however, oppose the Vote, as an intimation was given in the estimate that the demand was to be gradually reduced as vacancies occurred until the whole should cease.

Vote *agreed to.*

(6.) Motion made, and Question proposed—

> "That a sum, not exceeding 16,844*l.*, be granted to Her Majesty, towards defraying the charge of the Civil Establishments on the Western Coast of Africa, to the 31st day of March, 1854."

Mr. W. WILLIAMS said, there were some of the items in this Vote of which he must complain.

Mr. LUCAS said, he expected the hon. Gentleman (Mr. Williams) was about, when he rose, to complain of the item 400*l.*, in this vote, for the salary of the chaplain at the Gambia, for seeing how strongly that hon. Gentleman and others on the same side, had opposed the principle of religious endowment by the State in the case of Maynooth, he thought in consistency they must oppose that principle when applied to the other colonies.

Mr. W. WILLIAMS said, he must remind the hon. Gentleman that it was absolutely necessary to have some religious instructor at Gambia; and he could assure the hon. Member that if the majority of the population there were Roman Catholics, he should vote for the money being paid to a Roman Catholic priest quite as willingly as he now did for a Protestant clergyman.

Mr. LUCAS said, he believed that the chaplain was not for the inhabitants of Gambia, but for the Governor and police magistrates, and other officials. He thought, therefore, that hon. Gentlemen opposite, if they were sincerely opposed to religious endowments of all kinds, ought to refuse to sanction this one, and ought to tell these officials that they must pay for a chaplain out of their own salaries. Take another instance of a different kind. There was a Catholic Ambassador at Athens, Mr. Wyse, and he (Mr. Lucas) believed that there was a chaplain to that embassy—

Viscount PALMERSTON: The hon. Member is misinformed. There are no chaplains except those attached to embassies. Greece is a mission.

Mr. APSLEY PELLATT said, he was of opinion that religion ought to support itself. It did so in England; and he believed it could do so equally well in the colonies. He knew missionary institutions at home that were perfectly willing to send out, without any expense to the country, men fully qualified to discharge the religious duties at our missions and embassies. He should therefore move that the present vote be reduced by the sum of 400*l.*

Mr. FREDERICK PEEL said, he hoped the hon. Gentleman would not object to this small item. There was a chaplain at Sierra Leone; but as the revenue of that colony was sufficient to bear the charge itself, it was not necessary to include it in this estimate. He hoped that Gambia, in the course of another year or so, would be equally able to bear a similar charge.

Mr. BRIGHT said, that, according to the statement of the noble Lord (Viscount Palmerston), there were no chaplains except at embassies. He (Mr. Bright) knew of no distinction as to the soul's health between embassies and missions. He supposed, however, that the chaplains at embassies were kept as a matter of decoration and ornament. Now, as the noble Lord had dispensed with the charge of maintaining chaplains at missions, perhaps he would also save money by equally dispensing with them at embassies. The Committee on Public Salaries recommended that embassies should be abolished, and missions substituted. The noble Lord (Lord J. Russell) was on that Committee, and appeared to agree in most things recommended by the Committee; but not with regard to the abolition of embassies. With reference to the Amendment now proposed by the hon. Member for Southwark (Mr. Pellatt), he (Mr. Bright) would suggest, that as a change in this item would possibly be made next year, it would be better not to press the Amendment on this occasion. It would be quite scandalous for Members on that (the Ministerial) side of the House to take every opportunity of picking a quarrel with grants to Roman Catholics, on the ground that those Members objected to all grants on account of religion; and yet, when similar grants were proposed to Protestants, that those same Members should acquiesce in them. He would rather go out of Parliament, and have nothing to do with politics, if he could not carry on his senatorial duties with more evenhanded justice than some persons appeared disposed to observe.

Lord JOHN RUSSELL said, he certainly objected to the recommendation of the Committee referred to by the hon. Member (Mr. Bright) with regard to the embassies. He considered it to be a matter of very great importance; and on coming down to the Committee, after the decision had been come to, he protested against that decision. He might have agreed to one or two minor points adopted by the Committee; but, finding that on almost all the more important questions he was left in a small minority, he did not feel himself justified in continually dividing the Committee, and that might have made it appear that he acquiesced in their decisions.

Mr. LUCAS said, that in the 18th Vote of these Estimates would be found a charge of 100*l.* for the chaplaincy at Athens.

Viscount PALMERSTON said, the Government only allowed a chaplain at Courts where there were British consuls and British residents; and then the practice was, that whatever sum those British residents subscribed towards the support of a chaplain, a sum of equal amount was allowed by the Government for the same purpose.

Sir JOHN SHELLEY said, he did not think the hon. Member for Meath (Mr. Lucas) had dealt fairly with those Gentlemen who voted against Maynooth last night. He (Sir J. Shelley) gave his vote on that occasion without any feeling of bigotry, and he wished the hon. Gentleman would wait and see how he (Sir J. Shelley) should vote when the *Regium Donum* was proposed.

Mr. LUCAS said, he had nothing to do with the hon. Member's motives; he had only expressed a hope that the hon. Member, and those who had voted along with him the night before, would act consistently when the next Vote for a religious endowment came before them.

Mr. M'MAHON said, he thought that it would be absurd to vote for this item of 400*l.* in the Estimate, and to refuse to vote for the *Regium Donum*, to which the Presbyterians had been entitled for a long time. If they only selected for their hostility grants for Irish or for Roman Catholic purposes, he could not see how they vindicated their principle of religious equality.

Mr. MIALL said, he wished to see the whole of these ecclesiastical items expunged from the Estimates. He understood a hope had been held out that these votes for chaplaincies would be done away with altogether.

Mr. ATHERTON said, he had voted for the grant for repairs to Maynooth College last night; and therefore, in voting for the present grant, as he intended to do, he was not liable to the charge of inconsistency.

Mr. APSLEY PELLATT said, that he would not press his Amendment to a division, understanding from the hon. Under Secretary for the Colonies that the item for the chaplaincy would disappear from the Votes in a year, or two years at most.

Mr. FREDERICK PEEL said, that he had given no such pledge as the hon. Gentleman supposed. What he said was, that he hoped the vote would in a short time be diminished, and part of it be borne by the local revenue.

Motion made—

"That a sum, not exceeding 16,444*l.*, be granted to Her Majesty, towards defraying the Charge of the Civil Establishments on the Western Coast of Africa, to the 31st day of March, 1854,"

Question put, and *negatived.*

Original Question put, and *agreed to.*

The three following Votes were then *agreed to*:—

(7.) 10,945*l.*, St. Helena.

(8.) 5,000*l.*, Western Australia.

(9.) 5,090*l.*, New Zealand.

(10.) Motion made, and Question proposed—

"That a sum, not exceeding 976*l.*, be granted to Her Majesty, to defray the Charge of Heligoland, to the 31st day of March, 1854."

Mr. MIALL said, he would move a reduction of 100*l.* in the Vote, with the view of disallowing two payments to clergymen of 50*l.* each.

Mr. FREDERICK PEEL hoped that the reduction would not be pressed, as the people in Heligoland were too poor to be able to provide spiritual instruction for themselves.

Motion made—

"That a sum, not exceeding 876*l.*, be granted to Her Majesty, to defray the Charge of Heligoland, to the 31st day of March, 1854."

Question put, and *negatived.*

Original Question put, and *agreed to.*

(11.) Motion made, and Question proposed—

"That a sum, not exceeding 4,750*l.*, be granted to Her Majesty, towards defraying the Charge of the Falkland Islands, to the 31st day of March, 1854."

Mr. LUCAS said, he must complain of the conduct of the hon. Baronet opposite (Sir J. Shelley) and his friends, which he thought was scarcely consistent. When Votes were proposed for Roman Catholic purposes, or for Ireland, they took an objection to them, and pressed their objections to a division; but when the Votes happened to be for Colonial and Protestant purposes, they raised objections to them, indeed, but they did not assert their principles by going to a division. In the Vote now before the Committee there was an item of 400*l.* for a chaplain, and he begged to call the attention of hon. Gentlemen opposite to it, as it would test the sincerity of their principle of religious equality.

Sir JOHN SHELLEY said, that he was perfectly ready to move that this Vote be reduced by the sum of 400*l.*; and he would have done so before, had the hon. Member for Meath (Mr. Lucas) given him time to catch the Chairman's eye. He now moved that the salary of the chaplain in this case, amounting to 400*l.*, be disallowed. With regard to the Vote last agreed to by the Committee, the poverty of the people of Heligoland had been assigned by the hon. Gentleman (Mr. Peel) as the reason why spiritual instruction should be provided for them.

Sir JOSHUA WALMSLEY begged to inquire the amount of the population of the Falkland Islands, for whose benefit so large a sum as 4,750*l.* was now demanded? Were there any troops at these islands?

Mr. FREDERICK PEEL said, that there were no troops there. Doubtless this Vote was a large one, looking only to the population of the Falkland Islands, which was very small; but then it should be remembered that these islands, from their geographical position, would be of the utmost importance to this country in time of war. Again, these islands possessed large and commodious harbours, which were becoming increasingly resorted to by shipping engaged in the Australian and other trades, in preference to South American ports, for the purpose of obtaining fresh supplies of provisions. The amount of tonnage entering the ports of these islands had been rapidly augmenting for some years past. In 1851 it amounted to 17,538 tons, and in 1852 it was no less than 22,024 tons. Under these circumstances, the floating population of the islands was considerable.

Mr. W. WILLIAMS said, he did not deny the national importance of maintaining these islands, but he considered the Vote excessive. It might be reduced one-half, if no more than the proper number of officers were kept. The present staff was enormous, considering that the resident population of the islands, as he understood, only numbered twenty-seven persons.

Sir GEORGE PECHELL said, he thought the maritime and naval importance of these islands should be considered. They possessed the most magnificent harbours, which ought to be carefully surveyed.

Mr. ATHERTON said, that the merits of the Falkland Islands as a naval station might be as great as the hon. and gallant Member (Sir G. Pechell) represented; but that circumstance had nothing whatever to do with this Vote, which was most anomalous and extravagant, considering the extreme paucity of population.

Lord JOHN RUSSELL would again remind the Committee that it was not from the extent of their present resident population that the Falkland Islands derived their importance. They constituted a most valuable maritime station, at which shipping frequently touched to take refuge, or to obtain supplies. At the same time, if any reductions could consistently be effected in this estimate, the Government would be ready to make them.

Mr. BRIGHT said, that, as it was proposed to send out medical missionaries to heathen countries, he thought it would be better if the chaplain and the surgeon were rolled into one. If the Falkland Islands belonged to the United States Government, the cost of maintaining them would be reduced at least by one half. When that House voted millions so rapidly as they did, it was scarcely worth while to say anything about a small matter of this kind. At the same time, when they did not object to items like these, there never was any economy effected.

Mr. FREDERICK PEEL said, he could assure the Committee that care would be taken to have this expenditure investigated, with the view of ascertaining whether it might not be reduced.

Mr. M'MAHON said, he would remind hon. Members opposite that the explanations which had been given did not affect the principle that no religious denomination should be supported from the public funds.

Motion made, and Question put—

> "That a sum, not exceeding 4,350*l.*, be granted to Her Majesty, towards defraying the Charge of the Falkland Islands, to the 31st day of March, 1854."

The Committee *divided*:—Ayes 33; Noes 86: Majority 53.

Original Question put, and *agreed to.*

(12.) Motion made, and Question proposed—

> "That a sum, not exceeding 9,200*l.*, be granted to Her Majesty, towards defraying the charge of Hong Kong, to the 31st day of March, 1854."

Mr. W. WILLIAMS said, he wished to call attention to what he considered the excessive saleries of the Government officers, and he objected particularly to that of the Governor, 3,000*l.*, with 3,000*l.* more as chief superintendent of trades. Then, also, there was the Treasurer and Registrar General, 900*l.* a year, to manage a revenue of only 22,000*l.*; the Chief Justice, 3,000*l.*, the Attorney General, 1,500*l.*, and 700*l.* a year to the colonial chaplain. He would move that the Vote should be reduced one half.

Mr. FREDERICK PEEL said, that large reductions had of late years been made in the cost of this establishment. In 1845, 45,000*l.* was voted by Parliament under this head, while only 9,200*l.* was now asked for; and he thought that a progressive reduction might be anticipated. The salaries given might appear large, but it must be recollected how trying to English constitutions was the climate of Hong Kong, and officers, therefore, required a higher rate of remuneration for going there.

Mr. W. WILLIAMS said, he would not trouble the Committee by dividing, if the hon. Under Secretary for the Colonies would give an assurance that the diminution of the cost of this colonial establishment should be carried still further.

Mr. M'MAHON said, he wished to call attention to the salary of the colonial chaplain, 700*l.*, with a further charge of 95*l.* for contingencies. This, with 400*l.* for the chaplain at the Falkland Islands, included in the last Vote, amounted to within a trifle of the amount of the Maynooth Vote, which was refused on the previous evening. If hon. Gentlemen opposite, who professed to object to all grants of public money for religious purposes, were sincere, they would object to such grants for Protestant purposes in the Colonies as well as for Catholic purposes in Ireland.

Sir JOHN SHELLEY said, that after the decision come to on the last Vote, it would be unnecessarily delaying the business of the Committee to take another upon a point involving precisely the same principle.

Mr. BRIGHT said, he begged to ask the hon. Under Secretary for the Colonies whether he could give an assurance that, with an increasing revenue and a diminishing expenditure, this charge upon the revenues of the country would finally disappear?

Mr. FREDERICK PEEL said, he could not give a positive assurance; he only drew the inference, from seeing that a great reduction had taken place, that a further one might be expected.

Captain SCOBELL said, he objected to the salary of the Governor as excessive and out of all proportion to the salary of any other Government officer charged with similar responsibility.

Mr. FREDERICK PEEL said, that the Governor of a colony was not entitled to a pension, and his salary, therefore, always at first sight appeared disproportionate in amount to those of officers who were entitled to retiring pensions.

Mr. MAGUIRE begged to ask whether any provision was made for the spiritual necessities of such Catholics as might be in the island, whether civilians or soldiers?

Lord JOHN RUSSELL answered in the negative.

Mr. MAGUIRE said, that as no doubt there must be Roman Catholics there, because wherever there was any part of the British Army there were persons of that denomination, he thought it unfair that no provision should be made for their spiritual necessities, while 700*l.* was asked for the salary of the Protestant chaplain; and he should therefore move, and should divide the Committee upon the question, that the Vote should be reduced by the 700*l.* proposed as the salary of the colonial chaplain.

Mr. LUCAS said, he wished to know whether it was the fact that there were Catholic soldiers at Hong Kong? If there were not, he should not object to the Vote; but if there were, as he believed was the case, he should certainly vote for striking out this 700*l.* as he thought it unjust that a provision should be made to those of one, and refused to those of another, denomination.

Colonel DUNNE said, that no doubt there were Catholic soldiers at Hong Kong, because it was an Irish regiment which was at present stationed there. He believed, however, that the chaplain, whose salary was included in the present Vote, had nothing to do with the garrison, but that his services were entirely confined to the consular establishment. If there was a Catholic chaplain for soldiers of that religion, as was the case at Corfu, his salary would not appear here but in the Army Estimates.

Captain SCOBELL said, he must reiterate his objections to the salary received by the Governor of Hong Kong—3,000*l.* as governor, and 3,000*l.* as superintendent of trade—and he would move the reduction of his salary as Governor to 1,500*l.*

Mr. FREDERICK PEEL said, that he could not consider that 3,000*l.* was too high a salary for the Governor of Hong Kong; whether he should be permitted to hold the office of chief superintendent of trade in addition to that of Governor, he did not say.

Mr. BRIGHT said, that if the Governor received a salary of 3,000*l.*, he thought the country had a right to the whole of his time for that amount. If he could discharge the duties of both offices, he thought that 3,000*l.* was a sufficient salary for both.

Captain SCOBELL said, that he would not press his present Motion, but would at a subsequent part of the estimate move the reduction of his salary as chief superintendent of trade to 1,500*l.*

Mr. MAGUIRE said, that he should include in his Motion the 95*l.* for contingencies, as well as the 700*l.* for the chaplain's salary.

Mr. DRUMMOND said, that supposing the principle advocated by the hon. Member who had proposed the Amendment were correct, and were to be carried out, it would be necessary to have a chaplain of each sect which might have members at Hong Kong. Did he not feel that it was quite impossible to do this? He believed that so long as the Church was connected with the State, the Government could not appoint any other ecclesiastical persons but such as were connected with the Church of England without incurring a great difficulty.

Mr. AGLIONBY said, that he understood that this was merely a chaplain to the colonial establishment; and he thought that it would be most inconsistent and anomalous if the Committee, immediately after agreeing to vote the salary of such an officer at the Falkland Islands, were now, without the slightest distinction being shown between the two cases, to refuse it at Hong Kong.

Sir GEORGE PECHELL said, he would appeal to the hon. Member for Dungarvan (Mr. Maguire) to withdraw the Amendment, as he thought it had been understood that the division on the last Vote should be decisive with respect to all the colonial chaplaincies.

Mr. MAGUIRE said, that no such understanding could affect him, for he was not then in the House. Thirty-three Members voted against the Government on the last division, and as the amount of the present item was twice as large as that then in question, there should be double the number against it.

Motion made, and Question put—

> "That a sum, not exceeding 8,405*l.*, be granted to Her Majesty, towards defraying the Charge of Hong Kong, to the 31st day of March 1854."

The Committee *divided:*—Ayes 32; Noes 76: Majority 44.

Original Question put, and *agreed to.*

The following four Votes were then *agreed to:*—

(13.) 2,300*l.*, Labuan.

(14.) 17,396*l.*, Emigration.

(15.) 20,000*l.*, Captured Negroes' Support, &c.

(16.) 11,250*l.*, Slave Trade Commissions.

(17.) Motion made, and Question proposed—

> "That a sum, not exceeding 148,033*l.*, be granted to Her Majesty, to defray the expense of the Consular Establishments Abroad, to the 31st day of March 1854."

CAPTAIN SCOBELL moved, that the salary of the General Superintendent of Trade be reduced from 3,000*l.* to 1,500*l.* As the same individual was Governor of Hong Kong, at a salary of 3,000*l.*, the effect of the Amendment if carried would be to reduce his salary to 4,500*l.* a year altogether. The Governor of Bermuda had 1,500*l.* a year, the Governor of West Australia 1,300*l.*, and the Governor of New Zealand, which was quite as important as Hong Kong, 2,500*l.* This functionary's calling himself Governor of Hong Kong was a mere fiction. As governor, he had a secretary with 1,800*l.* a year independently of the colonial secretary, who had 1,500*l.* a year more. As chief superintendent of trade he had a secretary and registrar at 700*l.* a year, and he had got a first, second, third, and fourth assistant, receiving together about 1,300*l.* a year, and he had got a Chinese secretary at 1,000*l.*, and an assistant Chinese secretary at 400*l.* a year. Dr. Bowring, who was Consul at Canton, had 1,800*l.* a year; no more (and he was certain that the Governor had not more to do), and was a more able man.

VISCOUNT PALMERSTON said, that his hon. and gallant Friend (Captain Scobell) was quite mistaken with regard to the duties of the Governor of Hong Kong as superintendent of trade, which were very considerable. When the trade of China was thrown open to all persons in this country, an arrangement was made by which it was settled that there should be three superintendents of trade—one at a salary of 6,000*l.*, another at a salary of 4,000*l.*, and another at a salary of 2,000*l.* That was considered by the East India Company as a proper establishment for the management of the trade with China. On the arrangement being made with the Government of China whereby possession was obtained of Hong Kong, it was necessary to make some provision for its government; and the Government of the day thought they made an economical arrangement by abolishing two of the superintendents, giving to the one that remained only one-half the salary that was proposed to be given to the first superintendent, and combining the situation with the office of Governor of Hong Kong. It should be recollected that, as chief superintendent of trade, his duties were of an arduous and multifarious character: he was in communication with all the consuls of the different ports; he was charged with the general conduct of all matters connected with their intercourse with China; he was, in fact, a plenipotentiary as well as a superintendent of trade; and whatever communications took place between them and the Government of China were carried on by some high authority commissioned by the Government of Pekin and the Governor of Hong Kong, as chief superintendent of trade. When they considered the extent of his duties, the unhealthiness of the climate of China, and the dearness of everything there, he did not think they were placing the total emoluments higher than should be fairly assigned to an officer of that description. The effect of the climate of China on the British constitution was exceedingly injurious. During the period he had the honour of conducting the foreign affairs of the country, he had to lament the loss of several of the most promising and deserving officers, who fell victims to the climate of China, and of many others who were compelled by illness to return to this country. The climate of Hong Kong might have been rendered more endurable by the distribution of the stations there; but he could assure the Committee that in general the China station was exceedingly trying to the British constitution. As to the range of salaries paid to inferior officers, he had made it his duty to inquire about them when that business was under his care. He had made inquiry as to what was the general range of salaries given by commercial establishments to their officers in China, and he found, on comparing their range of salaries with the range of salaries given in the consular establishments, that generally speaking the Government salaries were under the amount given by the mercantile establishments.

MR. W. WILLIAMS said, he must remind the Committee that the statements of the noble Lord applied in precisely the same degree to the other consular establishments in China, where the salaries were much smaller. He did not think the Governor of Hong Kong was superior in ability to Dr. Bowring, whose salary was 1,800*l.* a year at Canton. He begged to call the attention of the Committee to another point, namely, that they had a consul at Frankfort, an inland town, although they had a Minister there, and two or three *attachés.* They had also consuls in Paris and Madrid, although they had large diplomatic establishments in both those cities.

Mr. APSLEY PELLATT said, he wished to direct attention to the fact, that the Chinese officials were paid smaller salaries than the English officers, and he would suggest as the means of effecting a reduction of expense that a smaller number of English, and a larger number of Chinese servants should be employed.

Sir GEORGE PECHELL said, he must beg to call attention to the proceedings in connexion with the slave trade that were carried on on the coast of Africa. It was understood that there was now another system in operation, and that vessels went to the coast of Africa—whether around the Cape of Good Hope he did not know—which it was supposed would not be suspected, being three-masted vessels, and not rigged like slavers. There was a case where the crew of one of these vessels had landed and invited the unfortunate blacks to a banquet on board, and managed to kidnap a great number of them. It was said that the British Consul at Havana had been the instrument to bring the matter to light, and a sort of compromise had taken place by giving up 200 or 300 of them, whereby the Captain General could excuse himself. They all knew that for a series of years the Captain Generals had been sent out to make their fortunes, and had connived in almost every instance in allowing the slaves to be landed. The way in which the slaves were now introduced into the island of Cuba was a new feature in the case; he hoped the attention of the noble Lord the Member for the City of London was called to it, and that he would demand the utmost vigilance on the part of the British cruisers to put an end to the system. It appeared that the vessel was called the *Lady Suffolk*, and they knew of the manner those vessels were fitted out that sailed from ports of the United States ostensibly bound for Cuba; but though they went on direct under American colours, they very soon found themselves under Spanish colours, and introduced the slaves into Havana as had been stated.

Lord JOHN RUSSELL said, the attention of the Government was constantly directed to the matter that had been referred to by the hon. and gallant Member for Brighton. The British Consul at Havana had been exceedingly active; an additional force was sent out to cruise in the neighbourhood of Cuba; and means were taken, by making representations, and by sending out an additional force to Cuba, to check that system.

Mr. BRIGHT said, he wished to call attention to a sum of 500*l.* that was put down for the salary of Sir James Brooke, as Commissioner and Consul General at Borneo, although he was living 300 miles distant, at Sarawak, and although there was no trade or commerce at Borneo to render the appointment of a Commissioner or Consul General necessary. This must be looked upon simply as a pension to Sir James Brooke, because it had no reference to any service performed by him; and to give him this salary for filling an office at Borneo while he was 300 miles distant attending to his own affairs, appeared to be a discreditable expenditure of public money. He hoped that was the last time this vote would appear on the estimates, and he would divide the Committee unless he got a satisfactory explanation.

Mr. AGLIONBY said, he believed the only question before the Committee was, whether the salary of the chief superintendent of Hong Kong should be reduced from 3,000*l.* to 1,500*l.* a year. After the statement of the noble Lord (Viscount Palmerston), he could not vote for the Amendment; but he thought that the way in which the vote was inserted in the estimates was calculated to mislead, and that no one would have supposed that the same individual had 3,000*l.* a year, as Governor of Hong Kong.

Mr. G. A. HAMILTON said, that there was a similar discussion last year, and the vote appeared in the estimates in the same manner then.

Mr. BRIGHT said, the question of the 500*l.* for the Commissionership at Borneo was a point that the noble Lord ought to clear up.

Lord JOHN RUSSELL said, that was a subject which the Government considered some time ago, and he thought it had been announced in that House that there was to be an inquiry. It was stated that the Governor General of India would appoint a Commission for that purpose, but there was some difficulty in point of form; but it was intended that there should be an inquiry, in order to see in what manner the interests of British commerce could best be promoted in that quarter. Until they got the result of that inquiry, he did not think they should make any alteration. He must say that some time ago there was a general impression that Sir James Brooke had rendered great service by his enterprising conduct. He was not convinced that Sir James Brooke had lost his title to that reputation, and he was not prepared to say that there ought to be anything done without further inquiry.

MR. BRIGHT said, he was not speaking with reference to Sir James Brooke. He should say the same thing if it were another person. They paid 500*l.* to a consul general who lived 300 miles off, and for a place where there was no trade. If Sir James Brooke had performed services for which they wanted to reward him, it was a different thing.

CAPTAIN SCOBELL said, he wished to recall the attention of the Committee to the question upon which they were about to divide. It was quite evident that they must either cut down the salary of this Governor, or increase the salaries of all other Governors. Otherwise, they would be doing great injustice to the latter. As for the unhealthiness of the climate, the service was a voluntary one, and he did not suppose the extra salary was to pay for physic.

Motion made, and Question put—

> "That a sum, not exceeding 146,533*l.*, be granted to Her Majesty, to defray the Expense of the Consular Establishments Abroad, to the 31st day of March, 1854."

The Committee *divided:*—Ayes 46; Noes 70: Majority 24.

Vote *agreed to.*

(18.) 18,500*l.* Ministers at Foreign Courts, Extraordinary Expenses.

MR. W. WILLIAMS said, he wished to call attention to the fact that there was a charge of 563*l.* for postages and journeys on the public service for our Minister at Wurtemburg. He considered it necessary that there should be some explanation of this item, which appeared to him to be a great waste of public money, as was indeed the whole establishment of Ministers at the petty Courts of Germany, such as Wurtemburg, Bavaria, Saxony, &c. Hanover might, perhaps, be excepted, on account of its connexion with the Crown of this country; but with this exception, he thought that Ministers at Frankfort and at the Courts of Austria and Prussia would be ample diplomatic arrangements for the whole of Germany.

VISCOUNT PALMERSTON said, that the charge for postages was on account of despatches sent to this country, which if forwarded must of course be paid for; but an account was rendered of every item, and nothing was charged but what was absolutely due. It should be remembered that the Minister at Wurtemburg was also accredited to the Court of Baden, and the charge for the journeys would be incurred in discharge of his duties at that Court. With regard to the question of diplomatic relations with the smaller Courts of Germany, he knew that there were many persons who were disposed to underrate its importance. But having had several years' experience of these matters he could assure the Committee of the value and importance of this means of diplomatic intercourse with the members of the German States, and that those means could not be supplied by our Minister at Frankfort, because he was accredited to the Diet there, and the representatives of those several Courts had no authority to deal with the general policy of their respective Courts, but were only charged with relation to the aggregate functions of the Germanic body. Besides, it was to be remembered that the smaller States often acted an important part in the affairs of Europe, and it often happened that they got important information through diplomatic intercourse with those States with regard to the proceedings of the more important States. It was true that the Government of Wurtemburg had in the year 1848 or 1849 withdrawn their Minister from this country through motives of economy; but that was no reason for making it of less importance to this country to have a diplomatic agent at the Court of Wurtemburg. When he was at the Foreign Office he considered this point fully, and he was of opinion that it would be a sacrifice of the public interests if our Minister at that Court were withdrawn.

CAPTAIN SCOBELL said, that last year considerable discussion took place with regard to the Ambassador's chapel at Constantinople, which ended in the Chancellor of the Exchequer of that day withdrawing the Vote. He now found in the present Estimates the sum of 327*l.* 18*s.* 9*d.* for chaplain and chapel at Constantinople. He wished for an explanation of the appearance of this Vote.

VISCOUNT PALMERSTON said, that with regard to maintaining a chaplain at Constantinople, considering the large amount of British shipping and the great number of British sailors constantly at the port of Constantinople, he thought it was of great importance that a chapel and a chaplain should be maintained there. The chapel had been burnt in one of those fires which were so common in that wooden-built metropolis, and though he did not at that moment recollect what the late Chancellor of the Exchequer did, yet if it had been him he would have said it was not proper to withdraw the Vote, because he thought it was becoming the character and honour of the country—to refer to no higher motives—that the British population of Constantinople should have some decent place of religious worship.

MR. ARTHUR KINNAIRD said, he observed in the Votes a charge for extra services on the part of our Consul at Charleston, in the United States. He wished to take that opportunity of asking the noble Lord the state of the negotiations which were entered into some time ago with regard to British coloured subjects, who, on their arrival at Charleston, were taken out of their ships and lodged in gaol, and then charged a considerable sum for their stay in that comfortable place so long as the ship to which they belonged remained in Charleston. He was aware that the subject had some time ago attracted the attention of the Government, but he had not heard the result. He was anxious, however, that the question should not be allowed to drop; and though the Federal Government had, in the first instance, evaded the question, yet he believed if this country were to take it up in earnest, the Federal Government would not shrink from their duty in protecting British subjects. He should be glad if the noble Lord could tell him the present state of these negotiations.

VISCOUNT PALMERSTON said, he regretted that he could not give his hon. Friend the information he required. The question, as the Committee was aware, was one of great interest and of considerable difficulty. The slave States in the south of the Union had passed laws which he forbore to characterise; but the effect of them was, that a man of colour belonging to a crew of a vessel, on her arrival at one of these ports, was arrested, and kept in prison as long as the vessel remained there. The British Government had represented to the Government of the United States that such treatment was a violation of the treaty between the two countries. This assertion was not denied by the Federal Government; but the constitution of the United States was such that the action of the Federal Government on the separate States was next to nothing; and it was fairly stated to the British Government, that if we insisted upon the repeal of those laws, it would raise up questions between the Federal Government and the separate States, which would be exceedingly inconvenient, if not destructive, to the North American Union. The Consul at Charleston had, by instructions from the British Government, entered into communication with the local Government for the modification of those obnoxious laws; but up to the time that he (Lord Palmerston) left the Foreign Office these negotiations had not led to any satisfactory result, and he feared, though he had no precise information on the subject, that they had ended in no satisfactory arrangement. But he could assure his hon. Friend that the attention of the Government would continue to be directed to the question, and that no efforts would be omitted which could lead to a more satisfactory state of things.

MR. WISE said, that of twenty-three missions the miscellaneous expenses amounted to 1,700*l*., of which Spain cost the larger proportion. He wished an explanation of this anomaly.

VISCOUNT PALMERSTON said, he could assure the hon. Gentleman that these contingent expenses did not depend on mere caprice, but were governed by strict regulations at the Foreign Office. The expense would in great part be caused by messengers and despatches from Madrid.

MR. HINDLEY said, he wished to call attention to the fact that the salary of Consul General in Turkey was 1,500*l*., while in the United States it was only 500*l*.

VISCOUNT PALMERSTON said, that Turkey was in a very different condition from the United States. Justice was well administered in the latter country, property and life were secure, and consuls were required only at the seaports. But in Turkey consuls had important and multifarious duties to perform; they were, in fact, the pioneers of civilisation and progress; and as this country pushed forward its consular agents, so it was found that the security of life and property was extended, and commercial transactions speedily followed. When he was at the Foreign Office he had more applications for the appointment of consuls than he thought it was proper to comply with; but wherever they were appointed, there commerce was extended and life was secured, the pachas were put on their good behaviour, and the tranquillity of the country, on which commerce mainly depended, was increased.

Mr. ALCOCK said, he would now call attention to the fact that there was a charge of 4,000*l.* for dragomans and interpreters to the embassy at Constantinople, while at Persia the secretary was able to speak the Persian language, and that expense was wholly saved.

Viscount PALMERSTON said, that our intercourse with Turkey was much more considerable and multifarious than with Persia; and it must not be forgotten that there was attached to the Persian embassy a secretary acquainted with the language, whose services were indispensable. The habits of the Turkish Government had long been to require, not only from England, but from all European countries, that much of the intercourse should be carried on by means of dragomans, though there was more of personal intercourse when we had an ambassador there. He believed, however, that it was becoming more and more the practice of the Turkish Ministers to learn to speak French, as both Reschid Pacha and Ali Pacha could speak French fluently, and in that way personal intercourse could be obtained. Still there were many details, particularly with regard to commercial affairs, where dragomans were necessary, and especially when the consuls sat as judges in courts of appeal for the protection of European residents. It had been felt, however, to be desirable that these dragomans should be British subjects, and, without casting any reflection upon those valuable servants, the dragomans, who were not British subjects, he had some time since established a system of sending three or four young men from this country to learn the Turkish language, that they might act as interpreters. He believed that this system would succeed perfectly, as he understood that these young men were bestowing great care and attention in acquiring the language. But it was impossible that the duties could be performed without the intervention of interpreters.

Lord DUDLEY STUART said, that the noble Lord had said the necessity for interpreters was greater when the Ambassador was absent. Now, it had happened that during the last year this country had been deprived of the advantage of having an Ambassador residing at Constantinople—the late Government having thought proper to allow Lord Stratford to leave his post. When the present Government was formed, however, that nobleman was sent back to Constantinople; and if that had been done sooner, he (Lord D. Stuart) thought it would have been of advantage to the public service; for he believed, that if that able diplomatist had been there at the time the attack upon the independence of Turkey was made by Austria, the question of Montenegro would have been decided in a manner much more favourable to the interests of the Turkish Empire. Probably the increased expense for dragomans had been caused by the absence of Lord Stratford. He would not recommend any innovation to be forced on the Turkish Government in an unbecoming and insulting manner, as had been lately done by Prince Menschikoff on his arrival in Constantinople, by refusing to wait first on the Minister; but surely this Government might have recourse to argument and persuasion, and thus secure the advantage of that direct communication which the noble Lord thought desirable, and reduce the expense of dragomans and interpreters. He would object to no expenditure which tended to make the Turkish mission effective, and he hoped that the steps lately taken would have that effect, and that Turkey would receive from this country support against any Power that sought to assail her independence. There was one item he did not understand—"Establishment of dragomans at Constantinople for three-quarters of a year, 2,175*l.* extraordinary expenditure." He wished to know why the estimate was only for three-quarters of a year?

Viscount PALMERSTON said, the word "extraordinary" in this case was a technical term, implying those items which did not consist of fixed salaries or regulated sums.

Mr. APSLEY PELLATT said, that the sum set down for the mission in Spain, 2,457*l.*, was the largest on the list, with the exception of Turkey; he wished to have some explanation of that circumstance. He also saw an item of 300*l.* for a chapel and chaplain in Austria; he wished to know in what city in Austria that chapel was situated? He also wished to call the attention of the Committee to the inconvenience to which English travellers were occasionally subjected in the Austrian dominions.

Viscount PALMERSTON said, he thought he had answered the question put by the hon. Member in regard to the contingent expenses of the Spanish mission. There were two kinds of expenses connected with that mission; one consisted of the fixed salaries of the Minister and the persons attached to the mission; and the other of what were called "extraordinaries" or incidental expenses, such as postages, messengers, and things of that sort, which varied from time to time according to circumstances. With regard to Austria, there was a chapel attached to the embassy, and that chapel must be at Vienna, and no other place. With respect to the inconvenience experienced by travellers in that country, there had been much communication between Her Majesty's Government and the Government of Austria. The Government of Austria had assured this Government that those molestations arose from no unfriendly feeling towards England, but simply from the necessity of carrying out strict general regulations; but he thought the representations made by Her Majesty's Government had led to the cessation, in a great degree, of those molestations which were so justly the subject of complaint.

Vote *agreed to;* as were the four following Votes:—

(19.) 132,980*l.*, Superannuation and Retired Allowances.

(20.) 2,967*l.*, Toulonese and Corsican Emigrants, and American Loyalists.

(21.) 2,000*l.*, National Vaccine Establishment.

(22.) 325*l.*, Refuge for the Destitute.

On (23.) 4,280*l.*, Polish Refugees and Distressed Spaniards,

Mr. REPTON said, that unless he received an assurance from the Government of the rapid diminution of this grant, he would take the sense of the Committee upon it.

The CHANCELLOR of the EXCHEQUER said, there was a diminution in the grant to what it had been, and he believed that there would be a further diminution in it.

Mr. REPTON said, he should move that the grant be reduced to 2,000*l.*

Viscount PALMERSTON said, that an arrangement had been come to in respect to this vote that no addition was to be made to the number of Polish refugees that received benefit from it. It should be recollected that those persons came to this country in a state of great distress, and many of them were very deserving men, who were totally dependent upon the very small amount that was doled out of this sum. He knew, too, that a former Government of which he was a member, made this arrangement with the Polish refugees —namely, that those who received this pittance should continue to reside in this country; but if they went away they would lose their allowance, and would not receive it upon their return; and, further, that no new persons should be placed on the list. The vote, therefore, was in course of gradual diminution.

Lord DUDLEY STUART said, the grant had been originally made, on his Motion, in 1836. It was for men who had fought in the cause of their country, in support of a state of things which this country had sought to uphold, and who, by the vicissitudes of fortune, had been driven here for a shelter. Afterwards, the grant was raised from 10,000*l.* to 15,000*l.* It was subsequently diminished by the deaths of the parties receiving the allowance. In 1847, objection was taken to the grant by the hon. Member for Middlesex, now Secretary to the Admiralty. A debate of some length ensued; and it was said by one hon. Member that there was nothing to prevent the refugees going back to their own country. This was not so. The Poles might go back to the Prussian or Austrian territory, but not to the Russian territory; and the whole of the recipients of the grant belonged to the Russian territory of Poland. The Government at that time agreed to an inquiry into the grant, and two gentlemen were appointed who instituted a very searching inquiry. They recommended the removal from the list of all who were not incapacitated from supporting themselves; and the result was a great reduction in the amount of the grant. It was now only 3,000*l.*—not a very large amount. No new pensioner had been added since 1848; and the deaths tended continually to diminish the grant. It would be a very cruel thing for the Committee now to withdraw it altogether; and he hoped the hon. Gentleman would not press his objection. There had never been any division on this grant.

Mr. HINDLEY said, he thought that this grant was altogether unjustifiable. It was no recommendation to him that those men had fought for their country, for he was opposed to all kinds of fighting. He did not think that they had anything to do with the civil disputes of any part of the world.

Mr. BLACKETT said, he thought, on the other hand, if the working classes were polled, a vast majority of them would be found to be in favour of continuing this relief to a meritorious but unfortunate class of individuals, for their sufferings in a cause which must be dear to every Englishman.

Sir WILLIAM JOLLIFFE hoped that, ere long, they should hear no more of grants like this. He trusted that England would always offer an asylum to political refugees, but that that House would cease to subsidise them.

Mr. REPTON said, on the understanding that there would be no further increase in the Vote, he would not press his Amendment.

Vote *agreed to.*

(24). 4,469*l.* Miscellaneous Charges formerly defrayed from the Civil List.

Sir JOHN SHELLEY said, he must ask for some explanation as to the charge of 400*l.* for the college of St. David's, Lampeter; and the annuity of 500*l.* granted by King Charles II. to the ancestor of the late Sir Thomas Clarges, in fee, and charged upon the coal dues.

The CHANCELLOR of the EXCHEQUER said, the item of 400*l.* for St. David's College came under the head of charges removed from the Civil List of 1831. With respect to the annuity granted by Charles II. to the ancestor of the late Sir Thomas Clarges, the same observation was applicable. The coal duties had been relieved of it, and it was now placed under the head of Miscellaneous charges.

Mr. MIALL said, he must refer to the items of 89*l.* paid to the Bishop of Sodor and Man, to be distributed among the incumbents and schoolmasters of the Isle of Man, and 92*l.* to the Bishop of Chester, for stipends of two preachers in Lancashire. He wished to ask whether these charges were to continue beyond the lifetime of the present recipients. There was another item to which he objected—579*l.* to the college of St. David's, Lampeter. He wished to know whether they were to go on paying these charges from generation to generation, or whether there was any hope of their being wiped out?

The CHANCELLOR of the EXCHEQUER said, these were charges which had been upon the Votes for a considerable number of years, and at a previous period detailed explanations of them had been printed with the Votes, as the hon. Member might have seen on a reference to these Votes.

Mr. HINDLEY said, he would suggest that it would be desirable that the Committee should have the names of the "poor French refugee clergy," to whom 700*l.* of this vote was allotted.

Mr. BRIGHT thought the proposition to furnish the names of the gentlemen in question a reasonable one.

The CHANCELLOR of the EXCHEQUER said, he had no objection to produce their names, if the hon. Member for Ashton (Mr. Hindley) would make a Motion with that view.

Mr. Blackett

Mr. BRIGHT said, that was precisely the answer the Committee had a right to expect, for the items appeared to be very much the same every year. These poor refugee clergy were no doubt very aged, but they had been aged for a great number of years; and he was quite certain, if the Committee did not look sharp into the matter they would live on for fifty years to come. The Government ought from year to year to look over all these small items, and gradually get rid of those which a want of wisdom in our forefathers had created.

Mr. HUTCHINS said, he must maintain that the vote for St. David's College, Lampeter, stood upon very much the same footing as the one which was rejected on the previous night; and if the grant to Maynooth ought to be rejected, he could not see how this one could be supported upon principle.

The CHANCELLOR of the EXCHEQUER said, he conceived that there was a wide difference between the two cases.

Mr. VERNON SMITH said, he hoped the right hon. Gentleman, the Chancellor of the Exchequer would reconsider his determination to print the names of the recipients of the Poor Clergy Charity. It was only 1,000*l.* a year, while it was the duty of the Treasury to examine into all the claims, and to see that no fraud was committed upon the public exchequer. Of what use then would this printing of names be? None whatever. It would only diminish the value of the charity by holding up these unfortunate clergymen to the derision of that House, and he must certainly protest against the step that was about to be taken.

The CHANCELLOR of the EXCHEQUER said, he coincided with the feeling of his right hon. Friend (Mr. V. Smith) on this point, and ventured to hope that the hon. Member for Ashton (Mr. Hindley) would abstain from moving for the production of the names in question, he (the Chancellor of the Exchequer) promising to satisfy himself that there was no fraud committed on the Government in this matter.

Mr. BRIGHT said, no consideration of delicacy for the persons who were the recipients of the charity ought to deter them from doing their duty to the public, and he should be sorry if this suggestion was not carried out. He was quite sure that, so far from the parties being derided, they would become objects of veneration, from their extreme age.

Vote *agreed to.*

(25.) 1,460*l.* Foundling Hospital of Dublin.

MR. VANCE said, he must complain that the Government had been pleased to deduct ten per cent from the former Votes made for the Dublin hospitals, although it was understood at the time of the Act of Union that those institutions should be supported out of the public purse, in the same way as the Irish Parliament had granted an annual sum for their maintenance. His hon. Colleague (Mr. Grogan) intended moving for a Select Committee to inquire into the hospitals of Dublin, and he trusted that until such a Committee had been appointed and had completed its inquiries, the Committee would consent to the suspension of the Vote.

MR. W. WILLIAMS said, he thought that Irish Members ought to be content with the Votes as they stood—there being no less than eight for various public hospitals in Dublin. Not one of the hospitals of London, or of any other part of England, was supported by a grant of public money; and, for his part, he thought the hospitals of Ireland should be placed upon the same footing.

COLONEL DUNNE said, he was not disposed to take the advice of the hon. Member for Lambeth. The hon. Member did not seem to know the difference between the two countries. Before the Union these institutions were maintained out of the public revenue of Ireland. But by the Act of Union the revenue of Ireland was taken from her, her debt doubled, and her taxation increased. Yet, notwithstanding all this, they wanted to deprive her of the small benefit she enjoyed from these Votes. "You," exclaimed the hon. and gallant Member, "have taxed Ireland. It is our own money, and we have a right to spend it as we like."

Vote *agreed to;* as were also the following seven Votes:—

(26.) 10,290*l.*, House of Industry, Dublin.

(27.) 600*l.*, Female Orphan House, Dublin.

(28.) 1,350*l.*, Westmoreland Lock Hospital, Dublin.

(29.) 600*l.*, Lying-in Hospital, Dublin.

(30.) 945*l.*, Dr. Steeven's Hospital, Dublin.

(31.) 2,280*l.*, Fever Hospital, Cork Street, Dublin.

(32.) 300*l.*, Hospital for Incurables, Dublin.

(33.) Motion made, and Question put—

"That a sum, not exceeding 38,492*l.*, be granted to Her Majesty, to defray the Expense of Nonconforming, Seceding, and Protestant Dissenting Ministers in Ireland, to the 31st day of March 1854."

The Committee *divided:*—Ayes 181; Noes 46: Majority 135.

Vote *agreed to;* as were also the following Vote:—

(34.) 6,537*l.*, Concordatum Fund, and other Charities and Allowances, Ireland.

SIR JOHN SHELLEY said, that, having already expressed his opinion on the subject of these grants, he would content himself on the present occasion by simply moving that this Vote be expunged.

MR. BRIGHT said, that having been in the north of Ireland some time since, he had an opportunity of making inquiries as to the working of these grants, and he found that it was in many respects unsatisfactory. He would not enter into the general objection to these grants, nor into the objection to the present grant as regarded Ireland particularly further than to say, that the Presbyterians were more numerous in the north of Ireland than the members of the Established Church, and were in a more comfortable condition than the average population of Ireland, so that no ground existed for this grant, which did not apply with tenfold more force with respect to the Roman Catholic population. The plan pursued in the north of Ireland in reference to these grants of money—and he had the statement from a gentleman of strict veracity—was this: If twelve heads of families seceded from any existing denomination, and formed themselves into a separate congregation, they, on certifying that they had subscribed between them 35*l.* for the payment of a minister, applied to Government for a sum out of the *Regium Donum*, which sum varied between 70*l.* and 90*l.* Such a plan was liable to great objections, for it invited, in many cases, to an unnecessary splitting up of existing congregations. He knew of one case where the sum subscribed was only 25*l.*, but the necessary amount was made up by putting down 10*l.* a year for the pew of the minister's wife. He did not know much about pews, but he did not believe it was very usual to charge for the pew in which the minister's wife sat in in church. This entitled the parties to the 70*l.* from the *Regium Donum.* It very frequently happened also, that though the 35*l.* was subscribed in the first instance, it was not kept up afterwards, so that, as far as he was able to learn, the sum subscribed by the congregations was less in a great many cases than was required by the terms on which the additional grant was to be made. Nothing could be more calculated than such a system to lower the tone both of public and private morality. But the fact fact was, the grant was made to muzzle the Presbyterians of Ireland, in order that they might not raise a bark or a howl in harmony with their fellow-citizens, the Roman Catholics, against the Established Church; and it was most discreditable to them to consent to receive this large sum of money annually, which could be considered in no other light than as a bribe to prevent them from remonstrating against the existence of the Established Church in that country. If he were a Presbyterian, he would use much stronger language than he did in reference to this grant. He thought it of the greatest importance that complete religious justice should be established between sects in Ireland. But if the Government were not prepared to abolish this grant now, he hoped they would say that it would not be made larger in future, because if the 38,000*l.* became 50,000*l.* or more, there would be greater difficulty in dealing with the question at a future time. This would give considerable satisfaction, because it would show that it was the object of the Government to establish religious equality in Ireland.

Lord CLAUD HAMILTON said, he was surprised that an hon. Member, always professing such a high regard for peace, should come forward and make such charges as he had done upon a respectable and numerous body, imputing to them, in fact, the deliberate practice of a system of swindling and robbery, by giving a fictitious and false appearance to the local subscriptions necessary to secure a portion of the grant. He hardly liked to trust himself to describe the charge made, and would, therefore, confine himself to the actual words used by the hon. Member. He accused the respectable Presbyterian clergy of the North of Ireland with concocting certificates, and making sham subscription lists to obtain the stipend; and he further said, that when the stipend was thus obtained, such subscriptions as were real were often withheld; and he described this conduct as sapping the foundations of public and private morality. He should have thought the hon. Member would have had the decency, or at least the propriety, of adducing the evidence of some witnesses in support of the charge he had made, in order that there might be an opportunity of testing the amount of value to be attached to the testimony adduced, and of meeting it with statements more deserving of credit. Representing, as he (Lord C. Hamilton) did, a large constituency) mainly consisting of Presbyterians, he never expected that it would become his duty to defend them from such a charge—a charge which ill became one who wore the garb of peace, and should, therefore, avoid all offensive and irritating language. The hon. Member had, however, described a large number of highly-educated ministers of the Gospel as muzzled Presbyterians. He (Lord C. Hamilton) was addressing a civilised and enlightened assembly; and he was sure he should have their independent feelings with him in protesting against the tone of one among them who wore the garb of peace and professed to speak its language. But he called on the hon. Gentleman, if he had anything more than hearsay and gossip to rely upon, to come forward and prove the charge he had made. The Presbyterians, according to the hon. Gentleman, had been bought over. But did he really imagine that the loyal and ancient Presbyterian body of Ireland could be bought for the paltry sum of 38,000*l.*? Did he mean to say they regulated their public conduct by the stipends they received? Did he think the doctrine they preached was influenced by their payment? Did he believe they were not sincere in the tenets they professed, and only simulated them for the Government reward? What, then, did he mean by the assertion that they had been bought over? These were terms which should not be used lightly of any class of men, still less of a body of clergymen who stood so high in the esteem and affection of their countrymen, as the Presbyterian ministers of the North of Ireland. He did not know what company the hon. Gentleman kept when he paid his short visits to Ireland; but if he were to frequent the society of these gentlemen—if he could obtain access to such respectable society—he would find the Presbyterian body an educated class, and not the unworthy body he had talked of, muzzled upon the one hand, and bought upon the other. They were not men born in high positions, but men who had attained their position by their talents and character, and by the confidence and respect of their fellow countrymen. This charge was the more extraordinary from one who advocated the voluntary system, for these reverend gentlemen were not appointed to their congregations by the Crown or by family influence, but having distinguished themselves in the rugged school of competition above their fellows, by their intellectual abilities and religious attainments, are selected by their fellow countrymen to hold the honourable office of ministers of the Gospel. This is the class selected for insult and degrading accusation. But he could say, that the only degradation was that incurred by him who could lightly make such charges, without any semblance of foundation. With reference to the Vote itself, he claimed the support of hon. Gentlemen opposite in its favour—in a merely secular and economical point of view. He claimed it on account of the effects of their ministrations. Exactly as Presbyterian congregations had become more numerous, so had there been an absence of military and police, which were paid for out of the Consolidated Fund. The country, therefore, gained enormously, in a pecuniary point of view, from the ministration of these gentlemen, for no money ever voted in the estimates had produced so much good as that granted for this most unjustly maligned body.

SIR WILLIAM CLAY said, that after the Vote of last night, when the Committee refused to vote the sum necessary for the repairs of the Roman Catholic College of Maynooth, he had no alternative but to vote against this grant. The Roman Catholics were the poorest and largest portion of the population of Ireland, yet they received less assistance from the State in proportion to their numbers than any other denomination. There was no argument for this Vote which did not exist, even in a stronger degree, in favour of the Vote which they rejected last night. He looked upon that Vote, therefore, as one of infinite importance, and one which would form an era in their future discussions. It was regretted by the majority of the Committee, on the express ground of conscientious objection to assist in the maintenance of the Roman Catholic religion. That was the reason alleged by the hon. Baronet the Member for the University of Oxford (Sir R. H. Inglis), whose authority was so high on these subjects, who stated as the ground of his vote that he should not consent to give any sum of money from the public revenue for the promotion of religious doctrines of which he disapproved. If that argument was good as regards Maynooth, it was equally good against all ecclesiastical establishments, otherwise it resolved itself into the right of the strongest, and he did not know any form of oppression, whether civil or religious, to which it would not lead. Under these circumstances he could arrive at no other determination than to vote against this and all other proposals for the grant of any sum for the maintenance of any peculiar form of religion out of the public taxes.

SIR JOHN YOUNG said, the hon. Baronet who had just sat down had laid too much stress upon the Vote of last night. He (Sir J. Young) was then in the minority, but he did not look upon the result as a precedent which he was bound to follow; on the contrary, he regarded it as an evil omen, which he thought the country would look upon as a warning. Some Gentlemen had opposed the Maynooth Vote, as they had the present, on the ground that grants of public money should not be made for ecclesiastical purposes. But he (Sir J. Young) did not think that opinion was shared by the Committee. The grant to these Presbyterians was one of very old standing; and they themselves laid the grounds for it in this, that when they first went to Ireland they were induced to do so by the hope not only that their religion should be respected, but that they should participate in the endowments of the State. It would, therefore, be very hard upon that body if the Legislature was now to withdraw it. The hon. Member for Manchester (Mr. Bright) had stated one case, and one case only, in which he thought an endowment had been surreptitiously obtained by a false certificate, and no doubt the hon. Member was convinced that the case was such as had been stated to him; but he (Sir J. Young) begged to remark that the Legislature could adopt no more dangerous course than that of legislating upon single and isolated cases. However well-founded the single case might be, it was evidently unfair to put that forward as characteristic of the whole body of Presbyterians in Ireland. He denied that there was any ground for saying, as the hon. Gentleman had done, that the Presbyterians of Ireland had been demoralised by the operation of this grant. On the contrary, he maintained that they were among the most industrious, loyal, and best-behaved people in that country. Placed in the most barren part of Ireland, they had cultivated the ground; and he besought the Committee to recollect what followed. Their commerce extended in their ports, and at this moment, taking the numbers into account —and they reached to about 1,000,000— there were fewer Presbyterians in the poor-houses and gaols of the country than had ever been the case before. There was, therefore, no ground for saying they were demoralised. There was one most important qualification for obtaining this grant which the hon. Member had omitted. Besides the building of a chapel and the production of a certificate that a certain amount of money had been subscribed, it was necessary that the parties claiming the grant should also show that there had been religious service in the chapel for three years, and that the money had been paid for three years. Now, he contended that the qualification of time was an exceedingly important one. Besides, he assured the Committee that all the circumstances of each case were narrowly looked into every year, and every precaution taken against the perpetration of fraud. The hon. Member for Manchester had asked some pledge from the Government that the grant should at least not be increased; but he (Sir J. Young) did not think that it would be wise in any Government to give such a pledge. Circumstances might arise to justify an increase, and he did not think it desirable to say that that increase should not take place provided a proper case were made out for it. He (Sir J. Young's) whole argument proceeded in direct opposition to that of those gentlemen who were against all religious endowments. He believed that if to-morrow they were to abolish all religious endowments—that if they were to get rid, in the first place, of the grant to Maynooth, then of the *Regium Donum*, and, lastly, of all the Church establishments — instead of these changes tending to secure the good of society, to raise the moral and social condition of the people, and to promote the spread of religion, they would in the highest degree tend to injure the moral and social condition of the people, and that many years would not elapse before the very name of religion would die out of the land. He denied that any example, either in ancient or modern times, could be cited in which religion had extensively flourished without the support of the State. If he had had fuller notice of the present discussion, he would have undertaken to show that the case of America, which was so much relied upon, was not one on which any reliance could be placed. It was said that the effect of religious endowment was to bring the bodies so endowed into closer relation with the State; that they were thereby induced to view the proceedings and opinions of the State with more favour than they would be disposed to do if there was no such alliance; and that this was one of the main reasons why statesmen generally upheld religious endowments. Now he (Sir J. Young) was not prepared to say that that was not a very good reason. It was said also that this grant should be withheld, because the Presbyterians were better off than the most part of the people of Ireland. He admitted that they were so—and why? Because they were the most industrious and frugal portion of the population. He believed that it would not be a great privation to the Presbyterians individually if this grant were taken away. It would not, perhaps, entail upon them an extra charge of more than a shilling a head; but, although it might not be of much importance in a pecuniary point of view, its withdrawal would be sure to excite dissatisfaction among them, and that was a thing which wise statesmen would not forget to look to. If, then, he had succeeded in showing that the effect of this grant was not to demoralise the people—if its effect, on the contrary, was to promote their morality, industry, and loyalty, and if at the same time it drew them into closer relations with the State—he believed he had said all that could be said in favour of its continuance.

Mr. COBDEN said, the noble Lord the Member for Tyrone (Lord C. Hamilton), on rising to reply to his hon. Friend the Member for Manchester (Mr. Bright), was in that state of excitement in which he often found himself when addressing the House, an excitement which often led people into the use of words of indiscretion for which they should not always be held responsible. Otherwise he (Mr. Cobden) should have said there was something rather unparliamentary in the words in which the noble Lord had called his hon. Friend to task for having referred to an anonymous authority in that House. His hon. Friend did what every man in that House was in the habit of doing; he made a statement on his own authority; and he (Mr. Cobden) had yet to learn, that any hon. Member who made a statement of facts which came within his own knowledge was liable to the charge of making anonymous or slanderous imputations upon anybody. He ventured to tell the noble Lord that he would find his hon. Friend perfectly ready to be responsible in that House for whatever he stated there on his own authority. His hon. Friend, when quoting an example, did not say that the whole body of the Presbyterian clergy in

Ireland were addicted to tricks of the same kind; and he must say, it appeared to him rather suspicious that the noble Lord should come forward as the champion of a great body of Dissenters in Ireland, for there did not appear to him to be any natural affinity between that noble Lord and any body of Dissenters. The noble Lord advised political economists and financial reformers to consider how immensely the country gained by means of the grant to Presbyterians; for, he said, in proportion as that grant was bestowed, order and morality would be found to prevail. If the noble Lord had been accustomed to consider the logical tendency of an argument, he must have observed that that reasoning applied to other bodies besides Presbyterians. If the endowment of religion had such a salutary effect in Ulster, why should it not be tried in Connaught? The noble Lord dealt with Catholics in one way, and with Presbyterians in another. Now he (Mr. Cobden) maintained that they could not go on legislating in one spirit for 1,000,000 of the people of Ireland, and in an opposite spirit for 4,000,000 or 5,000,000. He thought it impossible that any one could have sat in that House and considered the tendency of recent debates on religious questions without seeing that they were approaching, or at least making progress, towards a state of things in which, not merely Dissenters or Roman Catholics, but all men would be obliged to bring their minds to the consideration of this question—what policy should they pursue in order to do equal justice to all religions? Now, he must confess for himself that, although he generally acted with Gentlemen who were either themselves voluntaries or represented voluntary constituencies, he must confess that he had never—probably it was owing to the training which he received—had any very strong feeling against Church endowments: he would be a hypocrite if he said the contrary. But he had a very strong conviction that they must do justice in that House to all parts of the community. Now, there were two ways of doing justice to the people of Ireland—two ways, he meant, of doing political justice. Though they might object to legislate on religious matters, if they were in favour of endowments at all, he thought they must make up their minds to endow all. That had been very much the case. A few crumbs from the table of the great Establishment had been allowed to fall to the lot of the Presbyterians, the Roman Catholics, and others. But now it seemed that they were to maintain the privileges of the Established Church, and that Roman Catholics were not to be allowed to participate in endowments. After certain recent Votes in that House—after the Vote of the previous night on the Maynooth question, from which he exceedingly regretted his casual absence—after the exhibition of tendencies which would lead rapidly to the repeal of the Emancipation Act if some hon. Gentlemen could have their way—after all this, he said, it behoved not merely Dissenters and Roman Catholics, but Churchmen who were disposed to see justice done to all parts of the country—since the majority of that House appeared determined that Roman Catholics should not have the smallest modicum of endowment by an Act of the Legislature, every liberal and right-minded Churchman, every man who went to church, but was nevertheless disposed to do justice to those who attended other places of worship, must make up his mind to co-operate with those who were disposed to abolish all State endowments whatever. Now let hon. Members observe what they were bringing on themselves—he referred to those who had voted with the hon. Member for North Warwickshire (Mr. Spooner). They had a body of Roman Catholics there who, by their organ—by the mouth of the hon. Member for Meath (Mr. Lucas) had declared that in the abstract they had no objection to endowments, but that they wanted equality in the eye of the law; and if that House would not do political justice to those men and their co-religionists, they would join the hon. Member for Rochdale (Mr. Miall) and other hon. Gentlemen who came there representing a principle—and he would observe that for the first time there were in that House a number of Gentlemen representing voluntaryism—they would, he said, force Roman Catholics to unite with these Gentlemen in seeking to abolish all endowments, including the doing away with the Church Establishment. And he confessed that he would be a traitor to his own conscientious convictions of what was just and right towards the people of this kingdom, and especially towards the people of Ireland, if he did not say that he heartily went with them himself. Late proceedings in that House—the tone and temper which he had observed going on around him—were such that he could not resist the conviction, that in order to prevent that House from being for all time an arena of religious discord, he, for one, must adopt the principle of abolishing all endowments for religious purposes, and leaving all religions to maintain themselves. Now those were the broad principles on which he had been brought to act—not, he repeated, from any predilection in favour of voluntaryism—he had always gone to church himself, his mother took him there, and, as a rule, they all went where their mothers took them; but seeing a determination to persecute some 5,000,000 or 6,000,000 of his fellow-subjects by denying them equal justice, he would join with those who were for doing justice to all. He would on that occasion vote with his hon. Friend (Sir J. Shelley) against this grant for the Presbyterians of Ireland; and, seeing that the Committee would not allow any grant to the Roman Catholics of that country, he would join on every occasion in anything which could tend to bring all to a perfect footing of equality in such matters.

LORD JOHN RUSSELL: I think, Mr. Bouverie, the hon. Gentleman the Member for North Warwickshire (Mr. Spooner) stated last night, with regard to one of the divisions, he did not well know what he was voting for. I am afraid that description is not only applicable to the first division, in which he might be mistaken, but with regard to the second division also, because I cannot believe his deliberate purpose was to refuse a sum for the repairs of Maynooth College. I am very much afraid the hon. Member was not aware of the tendency of the vote he was about to give. He may, perhaps, after hearing the hon. Member for the Tower Hamlets (Sir W. Clay), and the hon. Gentleman who has just spoken, the Member for the West Riding, have now, or begun to have, some notion of the tendency of that Vote. I must say I think those hon. Gentlemen have exaggerated the effect of that Vote. The Vote must be read, not by the light of last night, but by the Vote given a considerable time ago on the question of Maynooth itself, when the hon. Gentleman the Member for North Warwickshire proposed to abolish altogether the grant to the College of Maynooth, and to repeal the Act which established that grant. It will be recollected that the Committee refused to concur with the hon. Gentleman, and maintained the Act of Parliament by which Maynooth was established. The effect of that decision is, that Maynooth remains; that the teaching of Maynooth is conducted on the same principles; that the same doctrines taught last year, or two years ago, are still taught; that the number of professors is unaltered; and that the salaries of the principals and professors remain exactly as they were. The effect of the hon. Gentleman's Vote last night is a very grave one, because the college remaining the same, and the endowment by Act of Parliament remaining the same, the hon. Gentleman says—"The theological errors of these persons are so great, the doctrines they teach are so dangerous, that they shall not be allowed to have their windows repaired. If the roof is uncovered it must not be mended; the rain and the snow must be allowed to come in upon their bodies, and until they adopt better opinions we cannot allow them to live comfortably." It was certainly a very odd Vote for this House to come to; but, be it observed, it in no way destroys or impairs that Act by which the grant to Maynooth was established. It was, perhaps, an error, but certainly an error which could not have well been foreseen at the time, that a question of really repairing a public building should be made the occasion of entering upon the whole question of religious teaching within its walls. But the effect of the Vote of last night has certainly been to induce many persons, who would not have otherwise ventured on that course of policy and that line of argument, to say if such be the way in which the people of Ireland are to be treated, it is better to get rid of religious endowments altogether. I must say I think myself that is a very precipitate conclusion. It is one to which certainly I am not only not prepared to come, but a conclusion which I shall do my best to prevent. I believe, although it would be unwise to propose, even if the forms of this House allowed it, another Vote for providing for the repairs of Maynooth, it will be the duty of the Government to consider in what way that building can be kept in repair, so long as it pleases Parliament to maintain the Act establishing the College of Maynooth. That Act of Parliament is, I conceive, the settled policy of the country. It is the policy settled by the consent of all the estates of the realm, and the policy which this House has deliberately refused to interfere with or overthrow. At the same time it is impossible not to see that the tendency of such votes as were given last night is not, as may be supposed by the hon. Gentleman opposite, and the hon. Baronet the Member for the University of Oxford (Sir

Robert H. Inglis), of disapproving Roman Catholic doctrines, and declaring that a majority of this House ought to refuse any grant for the support of any doctrines in which they do not concur, but, on the contrary, the tendency of it is to shake the general belief that religious endowments ought to be supported. Now, as I believe with my hon. Friend the Secretary for Ireland (Sir J. Young) that religious endowments are of very great use for a nation, as I should be quite willing to vote, if there was occasion for it, for grants to Roman Catholics, not only with respect to Maynooth, but with respect to other subjects, I cannot certainly draw from these votes the conclusion the hon. Member for the West Riding (Mr. Cobden) has drawn. With respect to the particular Vote before the Committee, it is a Vote which has been sanctioned for a great number of years—sanctioned in principle long before the Union. It is a grant which tends to maintain feelings of regard for the general government of the country, feelings of respect for law and order; and I say, therefore, both upon every temporal ground, and every secular ground, that Parliament ought to come to a different conclusion, and certainly I shall give my vote most cordially for this proposition. I hope, instead of going on in the course sanctioned by the votes of a majority last night, that because a majority voted for the claims of the Roman Catholics being rejected, we ought to vote for the claims of the Presbyterians being rejected, and so leading to the abolition of all Church establishments —I do trust a majority of this House will rather reconsider that course, and I am sure if they wish to maintain the principle of Church establishments, they ought to act with regard and fairness to all denominations of religion in this realm.

Mr. SPOONER said, he was not at all convinced by the remarks of the noble Lord that the course he had taken last night was not a proper one. He should not have altered that course, whatever might have been the consequences with regard to the Presbyterian Vote. The noble Lord was convinced that it was the incumbent duty of every one to maintain the endowments of the Established Church of this country. Strongly as that conviction was also impressed on his own mind, he could not, let the consequences be what they might, give his sanction to support a religion which he believed to be contrary to the word of God, and completely subversive of good government, as well as contrary to the oath taken by the Sovereign. These were the grounds upon which he had opposed the grant to Maynooth, and upon which it was his intention to continue opposition to it. He should certainly vote to-night with the noble Lord for the grant under consideration. He had voted the other night according to his honest conviction; and while he had a seat in that House he should never be deterred doing so by any supposed consequences.

Mr. CAIRNS said, it was not his intention to say that it was technically irregular to oppose this Vote, not on the ground that it was either extravagant or unwise, but upon the ground that all religious endowments ought to be abolished; but he did say it would be equally regular and much more fair, if it were wished to argue that great question, to put it before the Committee in a more distinct form, and to give hon. Members an opportunity of recording their votes upon it. He would not now enter upon that discussion; but there was one observation worthy of attention. Without going into the accurate history of this grant, there had been such a grant going on ever since the reign of James I. In one shape or another, the Presbyterians in Ireland had been receiving aid from the State since the reign of that Sovereign. Congregations had been formed, ministers ordained, young men trained for the ministry, chapels built, and property purchased, on the faith that the Presbyterians were to have that *status* in the eyes of the country and of Parliament. The grant was continued by the Irish Parliament, and adopted when Ireland was united to England; and he would ask the Committee if it would be fair, on a proposition of this kind, without notice, and in the absence of a large number of Irish Members, to stop by a sudden Vote a grant of this description? If there were any objections to the grant because of defects in the system, let them be met; but he observed the hon. Member for Manchester (Mr. Bright) expressly avoided giving his own personal weight and responsibility to the misappliances of the funds which he had instanced. They were only presented to the Committee as the gossip collected in he hoped an agreeable trip through Ireland. He protested against the statement of the hon. Member for Manchester, that the Presbyterians in Ireland were muzzled with the grant, and bought to acquiesce in certain views which they would not otherwise entertain. He had no means of knowing with whom the hon. Member had been associating in his travels in Ireland; but if the hon. Member had associated with better specimens of the Presbyterian body, he would have found that to muzzle them, or to buy them into saying what they did not believe, or not saying what they did believe, was a problem which would defy the logical and political ingenuity even of any hon. Member for Manchester.

Mr. R. M. FOX said, that an appeal had been made *ad misericordiam*, as well as to a feeling of loyalty in support of this grant. On the part of a large body of Presbyterians, he declined to accept the grant on any such grounds. They would be loyal whether the Vote was agreed to or not. He believed that there was no difference among Roman Catholics as to this Vote, and he saw no analogy between it and the Vote for the repairs to Maynooth, which they had decided last night.

Mr. ALEXANDER HASTIE said, if the Vote had been proposed now for the first time, he should have opposed it; but, looking to the length of time it had been granted, and to the social, moral, and political benefits it had produced, he would support it. He could not shut his eyes to the fact, that in those parts of Ireland in which Presbyterianism existed, order, industry, and prosperity predominated, while the other parts were disgraced by lawless confusion and murder.

Mr. MAGUIRE said, he considered that the hon. Gentleman who had just sat down had most grievously insulted a large portion of the people of Ireland. The hon. Member (Mr. Hastie) spoke in a manner worthy of his name—very precipitately, when he alluded to the outrages and murders in the south of Ireland. What was the fact? Why, the last Committee which had sat to inquire into disturbances in Ireland directed its attention solely to the north of Ireland, where the Presbyterian religion was predominant. As a Roman Catholic, he would not assert that religion was the cause of those outrages; it lay far deeper. The right hon. Gentleman (Sir J. Young) the Secretary for Ireland had slandered all the religions in Ireland when he stated that these money grants rendered them moral, peaceful, orderly, and industrious. If the *Regium Donum* were to cease, would the Presbyterians of Ireland, for instance, be less moral, less orderly, and less industrious than they were at the present moment? The Quakers and Independents were not endowed, yet was there immorality, confusion, or strife among them? He believed the Protestant Church would be purer if no connexion of this kind existed. The Catholic religion had done immense good to the people in a variety of ways without receiving any provision from the State, and in spite of its repression. The noble Lord had taunted the hon. Member for North Warwickshire (Mr. Spooner) with having raised the flame of religious discord; but the noble Lord had done more than any other man he knew to produce such a result, and had perilled his reputation as the champion of religious liberty by his celebrated Durham letter. He wished that all religions were free, and that the Catholic would fling down the miserable 38,000*l.* a year which was annually doled out to them with insult, contumely, and outrage; but so long as they were made to pay for the support of the Protestant Establishment he thought they had a reasonable claim for assistance. Because the hon. Member (Mr. Spooner) had last night succeeded in inducing the Committee to reject a small Vote for Maynooth, he should not vote against this grant to the Presbyterians.

Mr. M. O'CONNELL said, he should vote against the grant. He had never voted for the Maynooth grant, except once, and that was on the Motion of the hon. Member for North Warwickshire (Mr. Spooner) He believed that his own Church could find funds now, as she had found them under the penal laws, and that State connexion was ruin to a Church, and damage to a State. He was for "cutting the painter," and thought that every man should pay his priest as he paid his doctor, when he wanted him—and their religion would be better looked after. He objected to mixing religion up with politics at all; but he was aware that until they got rid of endowments altogether that was impossible; but, that once effected, the business of the country would be better looked after by Parliament.

Mr. NEWDEGATE said, he must deprecate the impression which the speech of the hon. Member for the West Riding (Mr. Cobden) was calculated to convey with respect to the Vote which the Committee had arrived at on Thursday evening, upon the question of the grant of Maynooth. Nobody could suspect the hon. Member of being very friendly to the Established Church; and, therefore, when he had stated that he was struck by the injustice of the Vote at which the Committee had arrived on the previous night, the hon. Member had been merely persevering in the expression of opinions which he had always advocated. He (Mr. Newdegate) wished to offer one observation with reference to the hon. Member's notion of political justice. His notion of political justice was nothing more than the desire to witness the existence of a blind political equality. If religious questions were to be looked upon through the medium of political justice, it was quite clear that that religion which conduced most to the maintenance of the peace, the order, and the prosperity of the country should be most readily assisted by the State. It was because he (Mr. Newdegate) was of opinion that the grant to Maynooth had not conduced to the maintenance of the peace and well-being of Ireland, that he had opposed the continuance of that grant; and it was because he believed that the Presbyterian religion tended to promote the prosperity of that country that, in accordance with the Vote now before the Committee, he was willing to grant the assistance which it was proposed to afford the members of that persuasion.

MR. M'MAHON said, as hon. Members who were opposed to religious grants had not divided on previous Votes of a similar description which had been passed during the evening, it seemed as if they were inclined to illustrate their principle only in the case of Ireland.

Motion made, and Question put—

"That a sum, not exceeding 38,492*l.*, be granted to Her Majesty, to defray the Expense of Nonconforming, Seceding, and Protestant Dissenting Ministers in Ireland, to the 31st day of March, 1854."

The Committee *divided*:—Ayes 181; Noes 46: Majority 135.

Vote *agreed to;* as was also the following Vote:—

(34.) 6,537*l.* Concordatum Fund, and other Charities and Allowances (Ireland).

The House resumed. Committee report progress.

HACKNEY CARRIAGES BILL.

Order for Committee read.

House in Committee.

Clause 1.

LORD DUDLEY STUART said, he must complain that the Bill gave new and extensive powers to the Commissioners of Police. It authorised them to decide whether a man should have a licence or not, and when he had obtained a licence it empowered them to suspend it at pleasure, their decisions to be without appeal. Now he admitted that hackney carriages required to be inspected, because he believed they were not now in a satisfactory condition; but he contended that the inspection proposed under the Bill would not be in proper hands for the purpose. He entertained the highest respect for the eminent gentleman who was now the First Commissioner of Police; but he strongly objected to the custom of granting more and more power to the police, and considered it to be an innovation of the worst and most alarming kind. When the Commissioners of Police were first appointed, it was understood that their duties were to be wholly ministerial, and in no respect judicial; but a different system began to be introduced, when the office of Registrar of metropolitan hackney carriages was abolished, and the duty of issuing licences was transferred to the Commissioners of Police. He objected to that altogether; but if they would give such a power to the Commissioners of Police, he trusted they would not confer it without the right of appeal. In all cases of licences hitherto, it had been the practice to grant the right of appeal from the judgment of those who had to decide in the first instance. It was so in the case of public-houses; and the evidence given before a Select Committee of that House by Mr. John Wood, chairman of the Board of Inland Revenue, clearly showed that the system had been productive of beneficial results. He held it was tyrannical to place such an extensive power in the hands of one man, Commissioner of Police or not, because little confidence could be felt in the decision of a single individual where so much property was at stake. In a recent case one of the Judges of the land sentenced an unfortunate woman to three years' additional punishment for merely having called a policeman a pig; and if such a mistake had been committed by an occupant of the judicial bench, what might they not expect from a Commissioner of the Police? But, after all, the Bill afforded no security that they should have the benefit of the decision of the Commissioners of Police. It was more than probable that the inspection of public vehicles would be left to some subordinate officer; but at all events it was most unjust not to grant the right of appeal. He had intended to propose that an appeal should lie to the quarter-sessions; but he had been met by the objection that that would occasion great delay. He should therefore move, when they came to the next clause, that there should be an appeal to the County Court.

Mr. HINDLEY said, he wished to move the insertion after the words "for public use," of the words "either for first or second class carriages, as shall hereafter be provided." He was anxious to provide that the middle classes should be able to hire a carriage with a fair chance of riding in it with comfort. The other day there was a letter in the *Times* from a person who stated that the rain had come through the roof of a cab he had hired, and had spoiled his wife's dress. Now, they ought to provide for such cases as these, and to render the condition of cabs such that no injury should result to the garments or to the health of those who used them. He wished to see a first and second class of cabs. If a cab proprietor wanted a first-class licence, let him be subject to the by-laws of the Commissioners; but if he wished for a licence for a common class cab, let him be content to receive 6*d.* a mile.

Mr. FITZROY said, he wished the hon. Member to defer his Motion until the Report was brought up.

Mr. THORNELY said, he would be glad to see some competition in cabs, and saw no reason why cabs should not ply at various prices—say 6*d.*, 8*d.*, 10*d.*, or 1*s.* a mile. Many persons would like to hire a superior cab at the larger price; and he was afraid, if the uniform rate of 6*d.* a mile were imposed, that all the cabs would be such as merely to pass muster. He did not expect to see the public supplied with good cabs at that price.

Mr. BONHAM CARTER said, he thought the suggestion a good one, and that upon each cab there should be affixed the price per mile. Many people would be willing to pay 9*d.*, instead of 6*d.*, for a good cab.

Colonel KNOX said, he hoped the hon. Gentleman the Member for Lewes (Mr. Fitzroy) would endeavour to pass the Bill as it then stood. He felt persuaded that the best principle to adopt in that matter would be to establish one uniform tariff. He had been informed that there were at the present moment companies without end ready to start cabs of the best description and with the best horses at the proposed fare of 6*d.* per mile. It was true that that fare had already been tried, and had not been found successful; but the failure of the experiment was owing solely to a combination among the existing cab-owners.

Clause *agreed to.* On Clause 2,

Lord DUDLEY STUART moved the addition of a proviso, that in case of the suspension of a licence, there should be a power of appeal from the Commissioner of Police to the Judge of the County Court.

Amendment proposed—

"At the end of the Clause, to add the words, 'Provided however that in case of the refusal or suspension of any such licence as aforesaid, it shall be lawful for the proprietor of any such stage or hackney carriage, or other persons applying for such licence, or subjected to such suspension, to appeal from the decision of the Commissioners of Police to the Judge of the County Court of the district in which the person so applying for a licence, or whose licence shall have been so suspended, shall reside, and it shall be lawful for the said Judge to quash such suspension, or to grant such certificate refused by the said Commissioners of Police, as aforesaid.'"

Mr. FITZROY said, he thought the County Court Judge was not a proper functionary. He should have no objection that in every case the Commissioner of Police should report to the Secretary of State the cause of suspension, and if the Secretary of State thought the cause insufficient, he should restore the licence.

Mr. AGLIONBY said, he objected to both the Motion and Amendment. It was quite as reasonable to give an appeal to the Lord Chancellor as to the County Court Judge; and to report the cause of suspension to a Secretary of State was still more absurd. It was imposing an unnecessary trouble to report the cause of suspension, and it could not be expected that a Secretary of State could attend to such a matter.

Question put, "That those words be there added."

The Committee *divided:*—Ayes 6; Noes 66: Majority 60.

Clause *agreed to;* as were the remaining Clauses.

The House resumed. Bill *reported.*

The House adjourned at half after Two o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, May 23, 1853.

Minutes.] *Took the Oaths.* — The Earl of Guildford.

THE SLAVE TRADE.

Lord BROUGHAM *presented* a petition in connexion with the emancipation of slaves in the West Indies, and the policy of 1846 abolishing the differential duty on sugar—a policy which he should never cease to deplore and to reprobate—from a most respectable planter, merchant, and proprietor in the city of London, Mr. Alexander Stewart, who stated that he had invested large sums of money in the purchase of freeholds in Jamaica; that he had been one of the most prosperous of planters previous to the year 1846, but that now the whole of his estates and securities were absolutely unremunerative; that not one acre of his land was he able to sell or in any way dispose of; and that the entire of his property, which was the accumulation of his own industry, and to the enjoyment of which, therefore, he was entitled, had been swept away. The petitioner attributed this, in a great measure, to the policy of 1846; and he (Lord Brougham) always argued, not only that such would be its effect upon private enterprise, but that the direct, inevitable, and immediate tendency of that measure would be the almost incalculable increase of the African slave trade, He did not think, however, that the steps which we then unwisely took were now to be retraced. It was too late for that; but we might do all we could; and he doubted not that his noble Friends opposite were, one and all, zealously and resolutely bent on doing all they could to accomplish that great object, the general abolition of the slave trade, the partial abolition only of which formed no little part of the grievances of our colonial fellow subjects. It was with horror he had only lately seen it announced, as one of the ordinary articles of commercial intelligence, that a vessel had landed its cargo of human beings on the island of Cuba, and that out of her had been put on shore no fewer than 600 miserable slaves. [The Earl of Clarendon: There were 1,100.] Eleven hundred! 600 was bad enough; that there were 1,100 only aggravated his horror. Three years ago he had called upon his noble Friend opposite to state what information he had received of the proceedings which were taking by the United States' Government against the "Cuban expedition"—against that act which they all agreed in stigmatising as piracy of the worst and foulest description—save that there was a worse still. He rejoiced to think that subsequent information reached them of the great Government of the United States having done its duty with respect to those pirates—of its having resisted the efforts of that mob urged on by a base passion for mere lucre—and of its having suppressed, he believed successfully, the Cuban piracy. Upon the same view, then, seeing that Spain would have looked upon that expedition as a manifest breach of the law of nations if it had not been suppressed by the Government of the State where it had originated, might we not now say that there was a worse piracy in operation—a grosser breach of the law of nations—and that there had been a crime and a piracy committed against that law still more execrable in its nature and effects than the Cuban expedition? He meant the piracy whereby that vessel was loaded on the coast of Africa, partly with unhappy Africans seized by main force, and partly with those miserable creatures trepanned by mere fraud—whereby that Spanish slaver was loaded, and carried across the Atlantic through all the horrors of the middle passage its cargo of human beings? His noble Friend opposite knew much better than he did what was the state of our relations with Spain in regard to the African slave trade. It had been made illegal in Spain many years ago. In 1835 more effectual measures were taken for its suppression, and the introduction of slaves into the Havannah was reduced from 28,000 or 30,000 per annum to 12,000 or 14,000. Under General O'Donnell, however, it had again revived; and the question which he wished to put was, whether any steps had been taken lately by means of our consuls to ascertain with whom rested the blame of these recent transactions?

The Earl of CLARENDON, who spoke in a low tone, was understood to say that he was sorry to be obliged to inform his noble and learned Friend that the particular case to which he had called their Lordships' attention—although he hoped it stood singular in point of horror and atrocity—was by no means the only case which had come under the knowledge of the Government. He regretted to have to state that the slave trade was at present carried on to a considerable extent in Cuba, notwithstanding the most active and energetic remonstrances of Her Majesty's consul-general, who had used every exertion in his power to put an end to so inhuman a traffic. That officer had lately reported, with respect to the particular case which had been brought under their Lordships' notice, that such was the state of the law in the case of slaves in Cuba, that it was impossible to rescue the newly-imported negroes from the moment they had passed into the hands of their new owners. It was, therefore, almost useless to denounce the authorities of the island, or to attempt to bring the case of those unfortunate negroes under the cognisance of the local tribunals. He could assure his noble and learned Friend, however, that upon this and upon all occasions the most energetic efforts would be used to remedy as far as possible a state of things so much to be deprecated, and that the most earnest remonstrances would not fail to be urged to the Spanish authorities in behalf of those miserable negroes. He must, in the first instance, observe with respect to the case which his noble and learned Friend had submitted to the notice of their Lordships, that it was the opinion of the Captain General that the cargo of slaves originally consisted of 1,300 persons; and if this should turn out to be no exaggeration—and the Captain General would have good authority for his statement—their Lordships might be enabled to form some idea of the sufferings which these miserable beings had to undergo when they were informed that the vessel into which these 1,300 slaves had been packed was one of only 400 tons burden. An attempt had been made by those unfortunate creatures to crush their oppressors and to restore themselves to liberty; but in the struggle which ensued 200 of them had been killed, so that out of the whole number only 1,100 had remained. The Captain General, contrary to the provisions of the penal law, did pursue these negroes into the estates of the persons who had purchased them, and 300 had been rescued from the rule of their masters by his exertions; but the remaining 800 were undergoing all the rigours of servitude. Communications had recently taken place between this country and the Spanish Government upon the subject of the slave trade, and the most solemn assurances had been given by the Spanish authorities that for the future the treaties should be better observed; and the late Minister for Foreign Affairs had placed in the hands of Lord Howden a private letter from the Captain General, assuring him on his word of honour that he would now act in a manner perfectly satisfactory to the British Government. No effort would be spared by Her Majesty's Government to check this system as far as possible; and he had the satisfaction of telling their Lordships that in consequence of our cruisers having been placed on the coast of Cuba to intercept the arrival of slaves four vessels had been seized, and two of them condemned by mixed courts; and by the last despatches it appeared that a fifth vessel had been taken. Remonstrances had also been addressed to the Government of the United States with respect to the important subject under their Lordships' notice, and he felt perfectly satisfied that that Government would do all that was possible to prevent the degradation of their flag. He need scarcely assure his noble and learned Friend, that upon the part of Her Majesty's Ministers no exertion should be spared to accomplish so desirable an object as the total extinction of the slave trade.

LORD BROUGHAM said, the power exercised over the colonial authorities in Spain was very great. Under Espartero, who was a great enemy of slavery, but little progress was made, for he was obliged to give way before the powerful influence exercised on the Colonial Office in favour of slavery.

LORD WHARNCLIFFE said, that the late Captain General of Cuba, General Coucha, who was a friend of Espartero's, exerted himself to suppress the slave trade, and he did it with so much success that he had succeeded, in the year 1851, in reducing the number of slaves imported into Cuba to 5,000. In the spring of last year, however, without notice or apparent cause, he was suddenly removed from his command. One of the last acts which he performed was the removal of the second in command in that island in consequence of his participation in acts of slavery. He was afraid there would be a much greater number of slaves imported into Cuba this year than in the year 1851 when General Concha had the command. The slave trade was no doubt carried on there with the connivance of the Government.

Petition ordered to lie on the table.

THE COURTS MARTIAL ON LIEUTENANT SANDON.

The EARL of ELLENBOROUGH wished to know whether there would be any objection to lay on the table the proceedings of the several courts martial held in India on the conduct of Lieutenant Sandon, of the 11th Bengal Light Dragoons? That officer, besides drawing his sword on his superior officer, on parade, had been charged, within a month, with three offences, all against natives; had been accused and convicted of severely beating his own *behesti*, a person of high caste, until he broke his arm. Nevertheless, he remained an officer of the Indian army, the sentence against him having been merely that he should be mulcted of six months' pay, and put back in his grade six months. That sentence had been confirmed, though not approved of by the Governor General, and Lieutenant Sandon remained an officer of the Indian army. Their Lordships might be assured that there was very great danger in keeping that officer in the regiment to which he still belonged. In this country if an officer could have so conducted himself he would have been punished by the civil authority, and, when he had been so, his name would soon have disappeared from the *Army List*. He hoped that it might be so in this case; that the Government would direct Lieutenant Sandon's prosecution before the Supreme Court; and that if the verdict was, as he apprehended it must be, against that officer, and the proper sentence passed by the Judge, the Government would think fit to remove him from the Army, to which he ought no longer to belong; for supposing the Court of Directors to decline removing him, the Government would have the right to recommend Her Majesty to do so by her sign manual. He had not thought it right that this should be known in England without comment in that House.

Earl GRANVILLE saw no objection to the production of the papers. There was a regulation made by the home authorities, in their anxiety to protect the natives from cruelty or wrong on the part of any officers, to the effect that any officer so offending should forthwith be dismissed from the Army, and that the local authorities should send home the offender. He had no doubt that an early mail would show that this regulation had been enforced in the present instance.

CHIMNEY SWEEPERS REGULATION ACT AMENDMENT BILL.

Order of the Day for receiving the Report of the Amendments, read.

Moved—"That the said Report be now received."

The Earl of CLANCARTY: My Lords, before your Lordships proceed further with this Bill, which, the noble Earl, who introduced it, has pressed through its successive stages with such unusual precipitation, and hitherto without having favoured the House with any explanation of its object and provisions, it will not be unreasonable to ask your Lordships to constitute some inquiry into the causes that have called for its introduction, as well as into its adaptation to its purposes. Considering, my Lords, that, on the one hand, the Bill deals with a subject affecting not alone the convenience but the security from fire of a very large proportion of the householders of the United Kingdom; and, that, on the other hand, it is designed to befriend a class of poor children, known under the name of "climbing boys," whose helpless condition has awakened much public interest, its importance is such as to warrant your Lordships in giving the subject a closer attention than it appears to have received at the hands of the noble Earl. This is the third consecutive sitting day that this Bill has been before the House, each day to be advanced a stage. This precipitancy on the part of the noble Earl is the more unaccountable, as, on the second reading I had suggested the probability that the law he was desirous of enforcing against the employment of boys in the business of chimney sweeping, might have failed, not from any wilful opposition to it, but owing to difficulties which the Legislature could not remove; and, that, therefore, some inquiry should take place, in order properly to discuss the subject The noble Earl, however, seems to have been only desirous to avoid discussion, and assuming that the Act of 1840, called the Act for the Regulation of Chimney Sweepers and Chimneys has failed, in consequence of having been wilfully evaded, his measure is framed solely to enforce the observance of that Act. It is, my Lords, unquestionably very important that the law of the land should be strictly obeyed; but it is, therefore, the more important that only such laws should be enacted as are capable of being obeyed. The Legislature is not infallible, and I have no doubt that your Lordships would find upon inquiry that where the law in question of 1840 had failed, it was in general in those cases only where it was impossible to comply with it: on this account it undoubtedly requires to be amended, and, therefore, the causes of its failure should be carefully inquired into. It is not in the character of the people to set themselves wilfully in opposition to laws framed by their representatives in Parliament for the common good of society, still less is it characteristic of the British nation to disregard the appeal of humanity. Since, therefore, the condition of the climbing boys became a subject of public interest and of legislative regulation, I believe that the spirit of the law has been complied with in the improved treatment of the boys in the employment of chimney sweepers. Having stated to your Lordships on the second reading of this Bill the difficulties that I thought stood in the way of the law it was proposed to have enforced, I took the opportunity of a short visit to Ireland during the recess for making inquiry as to the extent to which the law had been observed, and the reason of its not having been everywhere enforced; and as the result of my inquiries, I am happy to express my conviction, that it has only failed in general where circumstances rendered the employment of climbing boys indispensably necessary. I made inquiries of persons from Dublin, Cork, Galway, Tipperary, Mayo, and Waterford. I made inquiry at the poor-law office respecting the arrangements for cleaning the chimneys in the several union workhouses. I examined the most respectable master sweep I could hear of in Dublin; and I wrote to the heads of nine different corporations of towns and cities in Ireland. I will not trouble your Lordships at present with the details of the information I have received; it may suffice to say that, in general, where coal is burnt it is found, as in this metropolis, that, except where the chimney flues are very tortuous and irregular, it is practicable to dislodge the soot by the use of the whalebone brush commonly used in London; but that where the soot is generated from the combustion of wood or peat, it forms a substance so hard and difficult to dislodge that the flues cannot be effectually cleaned without a strong scraper, which requires the application of manual labour within the flue. There are, moreover, among the old edifices in Ireland flues that could not be altered without pulling down the main buildings: this is the case especially with old castles, in which the mason work is enormously thick and almost impenetrably hard. It would indeed be much to be lamented if the employment of climbing boys in such cases necessarily involved cruelty, but such is by no means the case. By the 4 & 5 *Will.* IV., c. 35, the Legislature, after full consideration, made provision, not only against the employment of very young children, but for the protection of those who were apprenticed after the prescribed age. The provisions of that Act might undoubtedly be carried further, in limiting the time during which they should be daily employed, and requiring that a certain number of hours should be daily given to instruction in the parish school; but, as far as my observation has gone, I believe it is quite a mistake to suppose that, as the trade is at present carried on, the climbing boys are the subjects of ill usage, or that their physical condition is in any degree affected by the nature of their employment. Their moral condition might no doubt be much improved, as might that of the children in general of the humbler classes by more stringent regulations with respect to education; but it is a remarkable fact, that during the many years I have been engaged in the administration of the law, and especially in applying the provisions of the law for the summary punishment of juvenile offenders, I have never had to punish a climbing boy; and that, the only case in which I recollect having had to commit a sweep was upon an indictment for bigamy—a grave offence certainly against morality, but at the same time betokening no physical deficiency. Before I sit down, I must beg to refer very briefly to a circumstance of a personal nature. When, upon the second reading of this Bill, I ventured to offer some doubts respecting the expediency of your Lordships adopting the present Bill, the noble Earl thought proper to say, my opposition was owing to my not having complied with the law in having the flues of my house altered as the Act required. It was, my Lords, quite unworthy of the noble Earl to make a reflection of the kind, for which he had not, and could not have had, the slightest warrant. I did not, at the time, care to notice it, nor should I do so now, but that, as I have felt it my duty to interpose against the further progress of this Bill, I am desirous that my motives should not be misrepresented. I have no interest in the course I am taking apart from what I believe to be the public interest; and it is only as a Member of your Lordships' House, whose duty it is to advise for the public good, that I call upon your Lordships to inquire into the expediency of the measure proposed by the noble Earl, so that no crude or impracticable law may go forth from this branch of the Legislature. I am very far, my Lords, from undervaluing the services the noble Earl has rendered to the country, in the improvement of the condition of the humbler classes; and it was with sincere pleasure that I this evening concurred in the vote he took for the Bill for the regulation of common lodging houses; but although the noble Earl is justly to be regarded as a very high authority when the cause of humanity is to be promoted, I cannot allow that reason should be overborne by authority, which would be the case if the Bill before the House should proceed further without its merits having been discussed. I therefore beg to move that the Bill be referred to a Select Committee, to report upon the expediency or inexpediency of further proceeding with it.

LORD BEAUMONT regretted that the noble Earl had not gone a step further, and moved the rejection of the Bill altogether, as, in his opinion, it was erroneous and dangerous in principle, ineffective and miserable in detail. It was a Bill to prevent young men under the ages of twenty-one from carrying a bag and a brush; it was not even an Act to prevent boys from going up and down chimneys—though to that Act he objected—but simply to prevent their carrying a bag and brush after men following a very harmless and lazy occupation. If they legislated upon this, he did not know where they were to stop; and he must say that, if it were not for the high character of the noble Earl, the originator of the Bill, he should call this Bill a pitiful cant of pseudo philanthropy. As to the former one, its sole effect had been that a few more houses had been burnt, and a few more persons endangered under its operation, than would have been if it had never been passed. With regard to the cruelty of forcing children up small chimneys, that was cruelty, and so far he approved of the Bill, though there were other means as by-laws with regard to the construction of chimneys, and a prohibition in case of those already and wrongly constructed—of getting rid of that evil; but what he objected to was constant interference by the Legislature in matters of this kind.

LORD PANMURE must say one word in reply to the charge of cant made by the noble Lord. With respect to the original Bill, he was a Member of the Government when he introduced it; and he must say, from the consideration which he had given the reports of the various Select Committees on the subject, he had never felt himself more justified in putting his name on the back of any Bill than he had done on the one in question. He did not think it unbecoming the dignity of the House to throw the shield of protection over children unable to protect themselves. In no one trade were infants exposed to so much abuse and hardship—he might almost say unnecessary as well as wanton abuse—as in the trade to which the Bill referred. He knew that the lives of many hundreds of children had been saved by the existing Act; and as that prohibited the master sweeps from taking apprentices under sixteen years of age, the present Bill was intended to guard against the evasion of the law, by preventing children under sixteen years of age being employed in the chimney-sweeping business under the name of assistants, and being then forced into chimneys because the owners of the houses would not incur the trifling expense necessary for rendering the flues adapted to machine-sweeping. He did not regard this as an infringement on the principle of free labour; but he conceived it to be just such a protection as their Lordships were bound to throw round a class of persons who were too helpless to protect themselves.

LORD ST. LEONARDS concurred in the original Act; but the noble Lord had rather forgotten it, though it was his own. The noble Lord seemed to have forgotten that there was a distinct provision in his Act that no person under twenty-one should go up or down a chimney. Persons were rational at twenty-one, and would not go; virtually, therefore, that amounted to a prohibition. Their Lordships should remember that if they were not careful they would destroy the trade, whilst they were only endeavouring to prevent its abuses. At the present moment, although boys were taken at sixteen as well as under sixteen, he believed they were remarkably well used, and that the existing law had, on the whole, produced a very good effect, for it had not only prevented indiscriminate chimney-sweeping by boys, but it had prevented cruelty to them. The noble Lord, therefore, who had introduced the measure, had thus the satisfaction of having done a very great social good. But he was told that in houses where there were flues to enter from one chimney into another, and the instrument used was broken, it was impossible to extricate the machine without sending somebody up; and if a man was too large, a boy was employed—not for the purpose of sweeping the chimney, but for extricating the machine. Now, in his opinion, it was the law at this moment that a boy might be sent up a chimney for the purpose of extricating the machine, though not for that of sweeping. But his noble Friend proposed that nobody under sixteen should be allowed to "assist" in the trade. The boy might go up to the door of the house, but he must not enter into the house. The provisions of the Bill, for these reasons, seemed to him to be embarrassing the trade without doing any real good; and he hoped his noble Friend would take further time for the consideration of these points.

The Earl of WICKLOW said, the noble and learned Lord who had just sat down appeared to have changed his mind in respect to the nature of this Bill. He had now spoken against it; but when the subject was last discussed, his views were the other way, for he spoke in its favour.

Lord ST. LEONARDS said, he had done no such thing. A mistake had been made as to the state of the law, and it was to correct that mistake that he had addressed their Lordships. He had in no respect entered upon the general question.

The Earl of WICKLOW was glad to find that both himself and the House had been deceived as to the course taken by the noble and learned Lord. It was that course, as he understood it, which had prevented him (the Earl of Wicklow) from moving that the Bill be rejected. The noble and learned Lord, however, now found that the measure did not effect the object for which it was intended, at least in its present form. His (the Earl of Wicklow's) own feelings were still in favour of rejecting the Bill altogether. The noble Lord who supported the Bill (Lord Panmure) appeared to him to be inconsistent in his reply to his noble Friend (Lord Beaumont), for he contended that the existing Act was inefficient, whilst he asserted it had been the means of saving life.

Lord PANMURE was not aware of having fallen into any inconsistency at all. What he said was, that the former Bill applied to apprentices; and that the result had been that, as the masters could not employ apprentices in this dangerous occupation, they employed other people, not apprentices.

The Earl of WICKLOW: Then, how did that agree with the noble Lord's assertion, that the lives of these people had been saved by the Bill? His opposition to the present measure, however, arose from the fact that there was no reason for it. It was said that the law was evaded in the country where the penalties were not known, but not in London where they were known. If this were the case, he ventured to say that if the noble Earl (the Earl of Shaftesbury) would only circulate a few handbills in the country, informing the people what the penalties were for breaking the law, he would effect his object without the present Bill. The present Bill he regarded as a piece of useless legislation. It was always mischievous to accumulate statutes, without some real and substantial necessity for them; and here was a case in point. He admitted that the law interfered for the protection of children working in factories, but the present Bill absolutely prohibited them from entering into the trade at all. Under all the circumstances, he hoped, if the Bill were not rejected, that at least further time would be taken for its consideration.

The Duke of ARGYLL said, the chief argument in favour of this Bill was the fact that the former Act to prevent children being employed in chimney sweeping was evaded. It was notorious that such evasion took place; and, therefore, they were called upon to prevent it. Of course, if any noble Lords were of opinion that the former Act was a bad Act, he could understand their opposition to the present Bill; but those who approved of the first Act ought to approve of the present also. The noble Earl (the Earl of Wicklow) said that the Legislature, in interfering in the case of children, never prevented their entering a trade; but, to make his observation applicable to the present case, everything depended upon what he meant as the trade of chimney sweeping. The Bill before their Lordships prevented young persons being employed "within any house"—these words having been added to the Bill by the noble Earl. It was plain, therefore, that children might be employed out of doors.

Lord MONTEAGLE said, the present Bill was quite in harmony with the purposes and objects of the whole life of the noble Earl (the Earl of Shaftesbury). But the question was, would this Bill prove beneficial—would it effect the objects for which it was brought forward? The Bill prevented any person under sixteen years of age from being the trade of a chimney sweeper within any house. Now, by a Standing Order of their Lordships, it was provided that no Bill for "regulating the conduct of any trade," or "altering the laws of apprenticeship," should be read a second time till a Select Committee should have considered and reported on the expediency or inexpediency of the House proceeding to take the matter into consideration. The object of this order was clearly to prevent hasty legislation on these matters, and he believed it was impossible for any Bill to come more distinctly under its provisions than the present. He, therefore, called upon their Lordships to enforce their Standing Order in this case.

The EARL of SHAFTESBURY said, he might not have been sufficiently acquainted with the orders of their Lordships' House; but as to the merits of this question, nothing should ever induce him to recede from the position which he had taken up. With regard to the observations of the noble Baron opposite (Lord Beaumont), who had spoken with so much force against legislation upon this matter, he could only say that he trusted in God he should ever fall under his censure, and under the censure of all those who, with him, could apply to the course he had taken a charge of cant and miserable legislation. He rejoiced in the observation the noble Lord had made, and he rejoiced that the noble Lord had nothing more tangible to bring against the measure which he had introduced to their Lordships' notice. The noble Lord said no good had been done by the existing Act with regard to chimney sweeping. Now he (the Earl of Shaftesbury) had great reason to complain that he and other noble Lords made statements in that House without any knowledge of the class to which the Bill referred, without having given themselves the trouble of inquiring into their condition or their feelings—without having perambulated the streets wherein they lived, and seen the misery in which they existed. He knew, however, from this class themselves, that the existing law had produced beneficial effects upon them; and he totally and entirely denied the statement of the noble Lord to the contrary. He had most extensive testimony to show that very considerable benefits had arisen from the law; that hundreds and thousands of children, who would otherwise have been employed in these dangerous and disgusting operations, were now either at school or engaged in other occupations suitable to the dignity of free men and the character of a Christian people. It seemed to be thought by his noble and learned Friend that machines could not be applied except by destruction of some of the more decorative parts of his dwelling-house. But it so happened that in almost every house in London chimney doors had been constructed at a very moderate expense, by means of which the chimneys had been effectually swept without destroying a single decoration. If the occupation of climbing boys were entirely prohibited, chimney doors would be universal; and there was not a house in the kingdom, ancient or modern, where the machine could not be rendered available. But it was said that fires had increased. Did the noble Lord who made that assertion mean to say that in consequence of the operation of the Act of 1840 fires had increased in the metropolis? If he did, the noble Lord had, in his place in Parliament, with the view of exciting a feeling against the Act, and of inducing their Lordships to reject the present measure, made a very wide statement. Had he any facts to support it—

LORD BEAUMONT, in the first place, had not said "in the metropolis." He said a few more houses had been burnt down, and more persons exposed to be burnt. He repeated that assertion; and he had to tell the noble Earl that in doing so he spoke from a knowledge of the facts. He knew of one or two houses, not in the metropolis, that had been burnt down, where it was ascertained the fires arose from the soot in the chimney not having been removed. He could mention other cases.

The EARL of SHAFTESBURY said, the original assertion was now brought down to this—that instead of a great many fires there had been only a few, in which the houses had been burnt from accumulations of soot. He should like to know whether any attempt had been made in those houses to introduce the use of the chimney door, so as to pass the machine into the chimney. He suspected nothing of the sort had been done. But all the cases that the noble Lord could cite were not sufficient, even if they were multiplied by 5,000, to justify the continuance of a system that was in every respect most degrading, and accomplished by a great amount of physical suffering.

The EARL of ABERDEEN entered entirely into the feelings of his noble Friend upon the subject of this Bill; but he thought it desirable, considering the effect of the Standing Order, that the measure should be referred to a Select Committee. The reference could not occupy very much time, whilst it would sanction the customary proceedings of the House by recognising the principle involved in the Standing Order. His noble Friend, therefore, would do well to accede to the proposal.

The EARL of WICKLOW expressed a

hope that if the Bill were referred to a Select Committee, the investigation would be *bonâ fide.*

LORD PANMURE said, there might be some difficulty in the reference. The Bill had already passed through a Committee of the whole House, and it appeared to him objectionable to send it, after that stage, to a Select Committee.

LORD REDESDALE said, a reference might be made, even after the third reading.

Amendment *moved*—

"To leave out from ('That') to the end of the Motion, for the purpose of inserting ('the said Bill be referred to a Select Committee, to inquire into the expediency or inexpediency of the Regulations contained in the said Bill, and to report upon the expediency or inexpediency of this House proceeding to take the Bill into further consideration.')"

On Question, Motion as amended *agreed to.*

House adjourned to Thursday next.

HOUSE OF COMMONS,

Monday, May 23, 1853.

MINUTES.] PUBLIC BILLS.—1° Succession Duty. 2° Burgh Harbours (Scotland).

THE NEW ZEALAND COMPANY.

MR. BAILLIE rose to put a question to the noble Lord the Member for London, with regard to the New Zealand Company. It would be remembered that a Bill had passed last Session, giving a constitution to the colony of New Zealand, which contained a clause confirming a large grant of money to the New Zealand Company, which was to be paid out of the land sales of the colony. Against that claim the right hon. Baronet the present First Commissioner of Works protested, on the ground that the claim of the New Zealand Company was founded on fraud, which he would be able to prove if papers, for which he moved, were laid on the table. A few days ago he (Mr. Baillie) asked the right hon. Baronet if he was prepared to prove the charge of fraud he had made against the New Zealand Company last Session, and to which he replied that there was no necessity for proceeding with the charge, because the papers on the table proved the fraud beyond the possibility of doubt. That answer being made by a Member of the Cabinet, must be supposed to be the answer of the Government, and they must be of opinion that the charge of fraud must be substantiated. The question he wished to ask was, whether the Government intended to leave the New Zealand Company under the imputation of that fraud, or whether they meant to take any step to deprive them of the sum to which they become entitled under the Act?

LORD JOHN RUSSELL said, that in the course of last Session, when the measure relating to New Zealand was under discussion, his right hon. Friend (Sir W. Molesworth) stated his opinion that a fraud had been committed, and moved for papers from which he would be enabled to make out a case of fraud, and urged the necessity for the production of those papers as a reason for delaying the Bill. The House however, did not concur in what was requested by his right hon. Friend, and the Bill passed. He might add that the statement which was made by the right hon. Gentleman the Member for Droitwich (Sir J. Pakington) on that occasion was a very fair one, and that the arrangement made by the Bill of last Session was a very proper one for all the parties concerned. His right hon. Friend (Sir W. Molesworth), the other day, in answer to a question of the hon. Gentleman, stated the papers on the table proved the case he wished to make out; but, as Parliament had decided the question, and the Government saw no reason for disturbing that decision, he was not disposed to take any step in the matter.

INCOME TAX BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

COLONEL DUNNE rose to move the Resolution of which he had given notice. Before the House went into Committee, he felt it his duty to call the attention of the House to the necessity of instituting a preliminary inquiry as to the fiscal and political relations of Great Britain and Ireland, with the view of ascertaining whether Ireland did not at the present moment bear her fair share of the Imperial taxation. There were various reasons why the House should grant this inquiry, which he would lay before it, and which appeared to him conclusive. The first reason was, that there was very little knowledge among the English Members of the House, or, indeed, this country generally, of the actual condition of Ireland. They boasted that great prosperity now prevailed in England, and it was sometimes said, or implied, that Ireland shared in this prosperity. He regretted, however, to say that it would be found that she had not prospered to the same extent as England since the Union; and it was remarkable that, during that period, while Great Britain was raised to her present pitch of wealth and glory, Ireland had little share in the former, however much she had contributed to both. Again, another reason why he proposed this Resolution was, because at no former time, or even when Ireland was more prosperous than she was at present, had any previous Chancellor of the Exchequer proposed that such vast additional burdens should be placed upon that country: in fact, her inability to bear further taxation was even given by them as a reason for not imposing them; and no good ground had been alleged why the income tax should be imposed upon Ireland now, when she had but just been visited by an infliction unparalleled in modern history, and she was far less able to bear it than at the period when these statements were made. A third reason was, that this Budget would inflict greater injury upon Ireland than any former Budget that he remembered. He did not now stand there to deny that Ireland ought to bear her fair share of taxation—he did not even at the moment say that the income tax ought not to be extended to that country; but what he contended was, that before Ireland was to be saddled with a heavier load of taxation than she had hitherto borne, a preliminary inquiry should take place into the resources of that country. And he further maintained that if they extended this tax to Ireland without first instituting such an inquiry, they would be guilty of a direct breach of the articles of the Union between the two countries, because those articles required that the assent of both the contracting parties must be given before Ireland could be subjected to such a new impost; and likewise provided that periodical comparisons should be instituted into the resources of England and Ireland, and into the relative taxation of the two countries. The treaty of Union did more: it laid down the principles on which their relative taxation should be fixed, and pointed out three modes in which the calculations should be made: first, upon the relative value of the imports and exports; secondly, upon the consumption of spirits, beer, malt, sugar, tobacco, and other exciseable articles in each country respectively; and, thirdly, on a result drawn from both these considerations. He did not, therefore, ask them not to extend a fair share of taxation to Ireland, but to extend it only in the legal and proper manner, and not to proceed in a manner quite contrary to the Act of Union—or as it was termed by the Statute itself, "the Treaty of Union"—merely because they had a majority of the English Members of the House with them. By that Act it was declared that its provisions should be perpetual, and therefore bound the House now as much as when the Act was passed. Nor could he admit that any subsequent neglect or even breach of this treaty could be said to abrogate it, or weaken the obligation which bound that House to fulfil its provisions. The first article, relating to the fiscal arrangements of the two countries, declared that the proportion of taxation to be borne by Ireland should be 1-17th of that of England; and a subsequent clause pointed out how the revenue should be assessed. It was well known the terms of this treaty were extremely injurious to Ireland, and to the advantage of England; and the burdens since laid on Ireland were much heavier than she could or ought to bear. The requirements of England, and the wars in which she engaged shortly after the Union between the two countries, instead of reducing it, as was then held out, in fact raised the taxation of Ireland, year after year, to an enormous amount. Nor had the expectations been realised of an increased colonial trade for the latter country, which many had indulged in at the time of the Union. At the time of the passing of the Act of Union the value of Irish exports to foreign countries was about 176,419*l.*, in 1846 it was but 273,400*l.*; the imports were 286,117*l.*, they were now but 705,677*l.*; while in the same period English foreign exports had increased to 76,000,000*l.*, and her imports to 105,000,000*l.* At that time the debt of Ireland was little more than 25,000,000*l.*, but in 1815 it had been increased to 105,000,000*l.*; and in the year 1815, the Exchequers of the two countries were consolidated, and when the late Lord Fitzgerald moved the Resolution for that consolidation, he stated that Ireland ought not to be accused of adding to the burdens of the other parts of the kingdom, but that she was loaded with more than she could bear. The consolidation of the two Exchequers did not affect the conditions of the Act of Union; and Lord Fitzgerald stated—and the assertion was afterwards proved before a Committee of that House—that while in the fifteen years preceding the Union, Ireland raised a revenue for her own expenditure amounting to 41,000,000*l.* she was subjected in the fifteen years after to a taxation which obliged her to raise an amount of 148,000,000*l.*, of which 78,000,000*l.* was paid in taxes; and it was needless to say this expenditure far exceeded her own requirements; and the debt now set down against her was for the expenses of a war by which England reaped all the advantages. Now Ireland had of late years suffered fearfully from famine, which had entailed a total loss of produce upon her, which had been estimated by Lord Fitzwilliam and others at 25,000,000*l.*, 33,000,000*l.*, or even more. By the repeal of the corn laws—whatever might have been the effect of that measure in cheapening food—she had lost more in the difference of the price of corn. Whatever advantage might have accrued to those who paid the poor-rate from that assumed cheapness, he maintained that the loss was still to that extent so far as Ireland was concerned. So that in many respects Ireland was infinitely worse off than she was before the Union: her debt had been increased, her commerce and manufactures crippled, her metropolis had been stripped of her nobility, and the non-residence of her proprietary caused another heavy drain of her resources. From an early period the drain of capital from the country had been reckoned a principal cause of the poverty of the country. Laws had been enacted against it; Swift had denounced it. It had been estimated that within a period of thirty-five years no less a sum than 282,000,000*l.* had been transmitted to this country from Ireland for the benefit of an absentee proprietary. Her revenue was not spent on her own shores, but on the contrary it had been shown that a surplus of 2,000,000*l.* was sent to the Exchequer of this country. Again, the Woods and Forests in Ireland realised a yearly sum of about 61,000*l.*, of which only scarcely 11,000*l.* were spent in that country. Under these circumstances it was now proposed to impose a burden of an additional half million and upwards of taxation upon Ireland by the introduction of the income tax into that country, and Ireland would not receive any benefit of any sort or kind from that extra charge upon her. He said that it would be most unjust to call upon Ireland to submit to this additional contribution, without first instituting the preliminary inquiry, which they were bound to institute, into her resources, relatively to those of this country under the terms of the Act of Union? The agitation for the repeal of the Act of Union had been opposed and condemned by Governments. That agitation had lately ceased: did Her present Majesty's Government desire to raise an agitation in that country for the enforcement of the Act of Union?—for he maintained that if they refused the Committee for which he now asked, they would excite a well-founded discontent in the minds of the Irish people. He warned the House against the danger of violating the articles of a solemn treaty, and giving as the only answer to those who remonstrated against such a flagrant injustice, that such was the will of a majority of that House. England had entered into a compact with Ireland, of which she had appropriated all the benefit; and all that Ireland asked was, that she should be allowed to enjoy her share of its advantages. He had shown that Ireland was in a condition ill able to bear any additional taxation, and that the present proposition of the Chancellor of the Exchequer inflicted greater injury on Ireland than any which had been made for a long time past. It was most absurd to suppose that the imposition of the income tax would be compensated by the remission of consolidated annuities. This seemed to him an absurd argument; for what did these annuities consist of? They consisted of certain advances made to Ireland, administered by the Imperial Government, and so ill-administered that Ireland had received no benefit from them. The advocates of Irish interests had applied to the highest tribunal in the country, the House of Lords, which had condemned these annuities, and declared that the demand for payment of them was unjust, and ought no longer to be required. It was absurd, therefore, to say that the remission of this burden was an equivalent for the income tax. But he (Colonel Dunne) objected to the remission of the annuities in all cases; he went so far as to say that in many instances there was no ground for it. Why should the purchasers of estates, confiscated under the Encumbered Estates Court, receive this remission? They had received more than the rent in the depreciated value of the estates they had bought. If a remission were made, the amount should be paid to the creditors of such estates, who were yet unpaid, or the late possessors, who were robbed by their estates having been sold for far less than they were worth. In the extensive transfer of property which had taken place in Ireland since these annuities were imposed, there were many persons who had purchased land at a low price, the remission of the annuities having been allowed for in the purchase money, so that if the annuities were remitted in such cases, the parties who ought to benefit by it were clearly the creditors or possessors of these estates. Any one who inquired into the recent history of the two countries would be surprised to find how little the trade of Ireland had advanced since the Union. Even the Channel Islands had a larger trade with America than that country; and with almost all the colonial possessions it carried on hardly any trade at all. The only advantage in fact obtained by Ireland, was that of the direct trade with England; but that had now ceased to be profitable, for Parliament had opened the ports of the kingdom to the trade of the whole world. Meantime the circulation of money in Ireland had diminished; yet this was the time chosen for imposing on her people a new tax never hitherto contemplated. But, setting aside for a moment the declared injustice of enforcing the payment of these annuities, and allowing that to certain districts where the annuities were high, the income tax would for the time be a lighter burden, how could it be said that it was a relief to those districts in which there was no annuity, or one to an amount less than 11*d.* in the pound; and they were by far the greater part of Ireland. In fact, this tax was a large rate in aid, by which the wealthier parts of Ireland were made to pay these debts, which were charged, but which never would have been paid by the poorest and most depopulated districts. A deputation of Irish proprietors had waited on the Chancellor of the Exchequer on the subject of these annuities, and deprecated the idea that the consideration of their remission or enforcement should have any reference to the forthcoming Budget, and they had left him impressed that he had recognised the justice of that application; but now they found it, notwithstanding the promise they one and all imagined they had received, made a part and one of the principal considerations of the Budget. The House was aware that the right hon. Gentleman was a great master of language; but he seemed in this instance to have attained what the French diplomatist conceived to be its true employment—a means of concealing his thoughts and intentions. At all events, the deputation and the right hon. Gentleman were under totally different impressions as to what he said. The right hon. Gentleman opposite, who had been himself a Chancellor of the Exchequer (Sir F. Baring), had proved the other night that while this Budget remitted to England a sum of 1,049,000*l.*, it placed additional taxation on Ireland to the amount of 413,000*l.*; and this statement could not be impeached. But the object of the Motion was not so much to deprecate taxation as to call on the Government previously to ascertain what was the fair amount Ireland should pay by the means pointed out in the treaty of Union, and to which that treaty gave them a right at periods of not more than twenty nor less than seven years. This revision of taxation had never taken place, and at the end of upwards of fifty years since that treaty was made, he now demanded it, and begged to move the Amendment of which he had given notice.

Amendment proposed—

> "To leave out from the word 'That' to the end of the Question, in order to add the words 'it is expedient, before additional Taxation be extended to Ireland, that a Select Committee be appointed to inquire into and consider the fiscal and political relations and relative taxation of Great Britin and Ireland, and to report whether the latter Kingdom does not bear her fair share of Imperial Taxation,' instead thereof."

MR. FITZSTEPHEN FRENCH complained of the little attention which had been paid to the speech of the hon. and gallant Member for Portarlington by the occupants of the Ministerial bench, who had not had the grace to remain quiet, even in appearance, during its delivery. He (Mr. French), following precisely in the course of his hon. and gallant Friend, had to state on the part of his constituents and himself that they did not shrink from their fair, just, and equitable share of taxation; but they thought they had a right to ask that that fair, just, and equitable taxation should first be decided by a competent tribunal. He defied any man to adduce a single rational argument why this Committee should be refused: there was no reason, beyond the fact that the Irish Members were only one-sixth of that House. This was not the first time they had asked for an inquiry as to how the accounts between the two countries really stood. When a Motion of this kind was brought forward some years ago by the hon. Member for Kilkenny (Mr. Sheil), the Government of that day did not condescend to answer him, and the hon. Member observed that the Irish Members had been "strangled by mutes;" and, probably, the present Government intended to follow a similar course on the present occasion, and to content themselves with strangling the question by mutes. He did not think it necessary to enter into the merits of the question further than by saying, that the English Government having entered into certain engagements with Ireland at the time of the Union, the Irish representatives only asked that those engagements should be fairly carried out. They only asked that a competent tribunal should be appointed to decide on the mode by which Ireland, considering her relative capability, should be called upon to contribute to the support of the State; and, if that tribunal should decide that increased taxation should be laid upon Ireland, they would willingly and cheerfully submit to it. But if, on the other hand, it should decide that no additional taxation should be levied upon that country, they hoped the Government should also be ready to abide by that decision.

Mr. MACARTNEY thought it the height of injustice in any Government to come forward with such a proposition as this, which must be regarded as an aggravation of the financial oppressions under which Ireland had suffered. One of the worst evils inflicted on Ireland for years past had been the poor-law, which was inefficient as a measure of relief for the deserving and helpless poor, whilst its administration was so enormously expensive that more than one-third of the proceeds was swallowed up in establishments. The united burden of poor-rates and county cess for the year 1851 amounted in England to 9 2-10 per cent on the rental, whilst in Ireland it was not less than 15 per cent. On this he rested the case for an inquiry into the circumstances of Irish taxation, and he was content to leave the question to the judgment of Englishmen and Scotchmen. Let them give a fair verdict, and they would get rid of one-third of the entire present taxation of Ireland.

Mr. CONOLLY conceived it to be his duty to insist on the absolute necessity of granting an inquiry of the kind now asked for before the House put on Ireland a tax which went in the teeth of one of the leading articles of the Union, and which the people of that country considered eminently unjust. He claimed it as a right to have the grounds on which this proposition to extend the income tax to Ireland was made distinctly placed before them. On the principle of self-interest alone, if there were no higher grounds, Her Majesty's Government ought to grant this inquiry. It was his opinion, from his intimate knowledge of the circumstances of landed estates in that country, that the income tax would be very far indeed from being a source of profit, and he much doubted if the proceeds would pay the expense of collecting it. He was not alone in that opinion, for it had been held by that eminent statesman, the late Sir Robert Peel. In Ireland there was no machinery adapted for the collection of the tax, and they would have to construct a new machinery for the purpose. If the statistics had altered since that time, or if that great statesman was mistaken, it ought to be shown. Yet, for this chimerical object, Ministers were flying in the face of a whole nation, which they treated with a contempt that must be felt in its inmost heart. The present moment was one of peculiar weakness for Ireland; and therefore the proposal aroused a keener sentiment of irritation. It was felt, first, that this was not a just tax; and, next, that it was a most inopportune time to choose for imposing it. Sir Robert Peel refused, in 1845, to extend this tax to Ireland, and no man would tell him that its state at the present day was nearly as prosperous as it was at that time. He challenged hon. Gentlemen opposite to give them what Committee they liked, and to place on it if they chose Gentlemen of avowed hostility to the interests of Ireland. Let them have the hon. Member for the West Riding (Mr. Cobden), and the cynical Member for Manchester (Mr. Bright), his ardent admirer and intimate friend, still he would have no fear for the result. There was not a peasant in Ireland who did not feel the burden of taxation weighing on his shoulders, and any additional pressure would be felt with that poignancy which must be expected in heavily burdened men. He would not submit to be told that the representatives of Ireland were trying to evade their fair share of the public burdens. If the result of the inquiry they demanded should be what he anticipated, it would prove that Government were trying to add to the burdens of Ireland, not merely a legacy, or a spirit duty, but the most intolerable of all imposts, a sense of injustice and wrong.

MR. WILKINSON thought that whatever were the other wrongs of Ireland, she could not complain of not having her full share of the attention of that House. He had been a Member only during the present Parliament, but he was quite sure that during that period Irish Members had occupied at least one-half the entire time taken up by the proceedings of the House. They were fond indeed of saying that their observations were treated with silent contempt: but if they were not answered, it was because three or four Gentlemen got up to speak on the same side one after another. Whether the object they sought was right or wrong, he was sure they went about the business in a very bad way. He admitted that Ireland had great grievances to complain of—the Established Church, for instance; but Ireland, he thought, would never get equal rights until she made up her mind to submit uncomplainingly to equal taxation. In that sense he considered that the Irish Members were very ill-advised to come down to that House so often with their appeals *in formâ pauperis* for fiscal exemptions. With regard to the Budget, generally, he thought that, with some defects and exceptions, it was entitled to the approval of the House. He thought the Budget of the right hon. Member for Bucks (Mr. Disraeli) was a good Budget; but it unfortunately contained a very bad feature—the doubling of the house tax, which prevented him voting for it. The Budget before them had not that fault, and therefore he wished to add his meed of praise to the right hon. Gentleman the Chancellor of the Exchequer for it.

LORD CLAUD HAMILTON said, that the main ground which rendered it necessary for so many Irish Members to address the House on this occasion was the same which caused their attendance there—the Act of Union. Had it not been for that Act, the Irish Members would not have troubled the English representatives with their presence. He disclaimed any idea of suing for any remissions of taxation *in formâ pauperis*; but if the Irish Members thought they could establish that the bargain made at the Act of Union had not been carried out, what was more consistent with the practice of Parliament than that they should ask for a Committee to inquire into the question? The terms by which Lord Castlereagh induced the Irish representatives to surrender their rights as a separate Legislature were, that Ireland was not to bear any share of liabilities contracted before that time, but that future liabilities were to be borne by both countries in proportion to their relative abilities. The Irish representatives had therefore a right to endeavour to secure the fulfilment, not only of the letter but of the spirit of the conditions of the Act of Union; and to insist, as one element in the question, upon the ability of Ireland to bear any new burden being ascertained previous to its imposition. He had a right to ask the Chancellor of the Exchequer why he deemed himself at liberty to depart from the principles that had hitherto been followed in the imposition of taxes upon Great Britain and upon Ireland; and on what grounds he considered Ireland now in a position to bear those burdens from which Sir Robert Peel considered her entitled to be exempted in 1845. At that time Sir Robert Peel distinctly justified the exemption of Ireland from the tax by the authorities of Pitt, Fox, Sidmouth, and Grenville. Now, as then, the condition of Ireland was not such as to render her fit to bear this additional taxation. He (Lord C. Hamilton) had indeed long thought that Ireland ought to pay the income tax if it was rendered permanent in England, and in that case he did not, he confessed, see on what ground Ireland could resist the imposition of such a tax. But he thought that the House should come to a decision in favour of the finality of the income tax before it was extended to Ireland. It had been said that this tax, the produce of which was estimated at 460,000*l.*, would not be oppressive to Ireland, because 100*l.* there was the same as 100*l.* in England. But he took a wider view of the question, and would ask whether, when Ireland was just emerging from a very remarkable crisis, it was wise to seize for the imperial treasury the first fruits of her returning prosperity, and thus to prevent its further development? Even if it were thought that Ireland should be saddled with this tax on the ground that both countries should bear the same burdens, it would be impolitic to impose this tax upon her at the present moment. The present step had a far more serious aspect than the mere amount of the tax imposed, for behind the announcement of the Chancellor of the Exchequer loomed the principle of an equalisation of taxation between the two countries. Such a course could not, he thought, tend to encourage that introduction of capital from England and Scotland which was so much to be desired. By the Budget now before the House it was proposed to remit taxes exclusively applying to Great Britain, to the amount of 1,470,000*l.*; while the only remission exclusively applying to Ireland was that of the consolidated annuities, which he thought he could show should not enter into the balance at all. But even allowing 250,000*l.* for this, it left a surplus of remissions exclusively applying to Great Britain, amounting to 1,220,000*l.* On the other hand, the only additional burden imposed exclusively on Great Britain consisted in the extension of the income tax to incomes between 100*l.* and 150*l.* a year, the total amount of the tax derived from which would not exceed 250,000*l.* On the other hand, the new impositions of taxation upon Ireland exclusively consisted of the income tax, 460,000*l.*, and the spirit duties, 198,000*l.*, or 658,000*l.* of new taxes imposed on Ireland. He could not think that this was legislating in the spirit of that provision of the Act of Union to which he had called attention, and by which English statesmen had induced the Irish representatives to agree to that measure.

The CHANCELLOR OF THE EXCHEQUER said, that he could not commence the remarks which he had to make upon the present occasion, without adverting to the remarks of the hon. Member for Roscommon (Mr. French) as to what he had been pleased to term the inattention of the Government during the speech of the hon. and gallant Gentleman who had brought this Motion before the House. For his (the Chancellor of the Exchequer's) own part, he entirely denied that charge. He was in the House, and was attending to the speech of the hon. and gallant Colonel who introduced this Motion, when some of the Gentlemen who were now sarcastically cheering were not in the House at all. He was making the best endeavour in his power to hear the gallant Colonel, who was so attentive to his own Motion that he had left the House after making his speech, though he certainly succeeded most imperfectly, in consequence of the noise which prevailed in the House at the time, a large share of which—he would not call it disturbance, but it was something like it—appeared to come from the neighbourhood of the hon. Member himself. The hon. Member for Donegal (Mr. Conolly) had assured the House that this Motion was made in no spirit of evasion, and had indeed said that the fact of making the Motion showed that its supporters had no wish to raise such a question. Now, when the hon. Member said that he had no intention to evade the discussion, or to prevent the imposition of a fair share of taxation upon Ireland, he (the Chancellor of the Exchequer) accepted his assertion implicitly, without looking at the proof by which it was sustained, because an assertion from him was entitled to implicit credit; but he thought the assertion would have stood better without the proofs than with them—because, irrespective of the hon. Member's assent, it certainly did not seem to him that the Motion was of such a character as to demonstrate to the minds of the Committee that there was no disposition to evade the question. He was, at any rate, sure that this Motion had not the concurrence of a noble Earl in another place; for he remembered that in 1833, when, after prolonged Parliamentary discussion upon the great question of negro emancipation, and the discussion was ended, an arrangement was made, and a Bill brought in and read a second time, when the hon. Member for Montrose (Mr. Hume) made a Motion very similar to this, namely, that in lieu of going into Committee on the Bill, a Select Committee should be appointed to inquire how far it was practicable to cultivate the West Indies by free labour. The hon. Member for Montrose was followed on that occasion by the Earl of Derby (then Lord Stanley), who administered to him such a reply as it was not in his (the Chancellor of the Exchequer's) power to give to the hon. and gallant Colonel; but which if it were in his power to administer, he was sure it would prove a great discouragement to the hon. and gallant Member. He certainly thought that this Motion was an extremely unfortunate one, both in respect to its form, and to the time at which it was made. In the first place, it was interposed as an absolute bar to any further progress with this Bill, by an Amendment to the Motion that the Speaker should leave the Chair. Now, what was this Bill? It was something more than a Bill to impose an income tax upon Ireland. It was a Bill for repairing an existing deficiency of 5,000,000*l.* in the finances of the country, and to provide for the service of the country, being so far quite irrespective of Ireland. The way to place the question of

Ireland on a fair Parliamentary basis would have been either to make a separate Motion on the subject, or to have moved to exempt Ireland in Committee—instead of making a proposition, which, if carried, would suspend the whole financial arrangements of the empire until the Select Committee had reported upon the financial balance between England and Ireland. There would have been far more propriety in such a Motion if it had been the first step taken in this matter; but certainly if such a Motion had been made, it should have been done at a far earlier period. Why was the question of equal taxation between the two countries revived now, after the question had been debated for nights together, and after divisions had been taken upon it, in which the sense of the House had been unequivocally expressed? ["No, no!"] No! Why, on the main Motion the debates had chiefly turned upon the case of Ireland; the question of applying the tax to Ireland was separately discussed and decided; and, having been separately decided, and the competency of the House to decide upon it having been thus admitted, the hon. and gallant Gentleman now came down, at a very much later stage, and asked the House for a Select Committee of inquiry to inquire into its merits. That appeared to him (the Chancellor of the Exchequer) a bad Parliamentary ground upon which to stand, and one of a very inconvenient character as respected the order and consistency of their proceedings in that House. With regard to this Committee, he had not, in taking these objections, the slightest disposition to avoid or escape from the merits of the question itself. He admired the judgment of his noble Friend (Lord C. Hamilton), who had said he would not go fully into the figures; he admired the judgment of the hon. and gallant Colonel—the judgment and skill of men who gave an historical character to their speeches, and who having gone back to the particular epoch of the Union, leaped over everything which had occurred between that period and the present time. They had spoken as if the 7th article of the Act of Union were a new discovery, but he did not hear one syllable of reference to the proceedings which had taken place since the Union upon the 7th article. It was a very inconvenient topic. It was rather remarkable that the proceedings relating to this Act of Union, which had occurred in the interval, should have been allowed to drop entirely out of sight. They had been told it was a very hard case that Ireland should pay 4,000,000*l.*, or, as one hon. Gentleman said, 5,000,000*l.* towards the general revenue of the empire. That was said to be a very hard case, and Ireland, it was added, would have been much better off if her financial concerns had been kept entirely separate from those of the United Kingdom. ["Hear, hear!" *from the Opposition benches.*] She would? Well, he was glad now to have got a perfectly distinct statement. There was a fair challenge to him, and he accepted it. Hon. Gentlemen said, then, that it would have been better for Ireland—that she would have been at far less cost than she was at present—if, instead of having her finances consolidated with those of England, she had been allowed to continue upon her own ground. [An Hon. MEMBER: If the debts had not been consolidated.] Well, the House should see how that stood. A Committee had sat upon this subject at an early date, and when they reported that the debts and the finances of the two countries should be consolidated, with what view did they make that report? Did they make that report in the sense of imposing a burden upon Ireland for the relief of England, or of imposing a burden upon England for the relief of Ireland? They imposed a heavy burden upon England for the relief of Ireland; and that statement rested upon figures which were upon the table of that House. They had been told it was a great hardship that Ireland, paying 4,000,000*l.* or 5,000,000*l.* a year, should pay anything more into the national Exchequer. Why, in 1815, just before this subject was examined, and before the debt of Ireland was consolidated with the debt of this country, the annual charge of debt upon Ireland, irrespective of one farthing of charges for military or civil government—the mere charge of the Irish debt was 5,900,000*l.* This, he repeated, was the simple charge of her debt; and, having paid this sum of 5,900,000*l.*, expenses of a civil and military character had still to be met. Such was the state of things which was put an end to by the Act of Union; and yet after that it was that the hon. and gallant Colonel moved for a Committee to inquire whether Ireland was not taxed unjustly for the sake of England. ["Hear, hear!"] Hon. Gentlemen did not seem to think this demonstrative enough. They appeared to believe that the payment by the Irish nation of nearly 6,000,000*l.* besides all charges of government, before the Act of Union, was an ample proof that to expect them to pay more than 4,000,000*l.* or 5,000,000*l.* now was a gross injustice; that was to say, Ireland should be called upon now to contribute to the annual payment upon her debt, and to the expenses of her government together—a great deal less than she had been before paying, or rather than she had been bound to pay, for debt alone; and that, they thought, was no demonstration at all that there was no hardship in their case. Well, then, there was another return upon the table of this House. It was moved for by the hon. Member for Glasgow (Mr. Macgregor) in 1849, and in this return they would see the revenue and the expenditure of Ireland in every year from 1817 to 1848. Now let the House observe that the charge was that Ireland was burdened with taxation to a greater extent than would have been the case had she borne her own expenditure by the oppressive majority of English and Scotch voices—by something even approaching to physical force on their part, according to the hon. Member for Donegal. The expenditure on account of Ireland in 1817, including civil and military charges, was 10,241,000*l.* while the total payments into the Irish Exchequer, as against that expenditure, was 4,384,000*l.* so that the amount provided from the British Exchequer to make good the deficiency was 5,856,000*l.* in that single year. This was one of the proofs which the hon. and gallant Colonel wanted a Committee to show whether Ireland was now going to be unjustly burdened. He would not weary the House by giving all the figures of this return; but there was a column showing the payments made by the Exchequer from 1817 to 1848; and the very lowest payment made in any one year for Irish expenditure and Irish debt out of the British Exchequer—that was to say, to make up the deficiency of Irish revenue and Irish debt and expenditure, was 1,977,000*l.*; but, generally speaking, it was from 5,000,000*l.* to 6,000,000*l.* during the early part of the period, and from 2,000,000*l.* to 3,000,000*l.* during the latter part. If this was the case, no Committee was wanted to inquire whether Ireland was paying more than her fair proportion of taxation. The figures he had quoted showed that Ireland did not at any period pay the charges inherited by her from the separate arrangement with respect to her debt, together with the charges for civil government which were applicable to her; and that, he believed moreover, was without charging Ireland with any portion of the large branch of colonial expenditure, which was supposed to be entirely borne by the British Exchequer. As far as he could hear, the hon. and gallant Gentleman (Colonel Dunne) had not adverted to the terms of the Act of Union, nor to the fact that it contemplated or provided for the principle of consolidated finances and equal taxation; and that that principle was to become applicable when the debt of Ireland had reached a certain proportion—that of two to five—to the debt of England. The debt of Ireland did reach that proportion of the debt of England; it reached a much higher proportion than the debt of England at the end of the war, and that was precisely the case which was provided for by the 7th Article of the Act of Union. The debt of Ireland reached an annual charge of nearly 6,000,000*l.* a year, when the annual charge of the English debt was by no means in that proportion; and then Committees of this House sat, and recommended the abolition of the separate systems of each country and the consolidation of both into one establishment. On the 19th of June, 1815, a Committee of this House reported that, on the whole, with a view to the equal advantage of all parts of the empire, and of relieving Ireland from a burden which experience had proved to be too great, and at the same time with the hope of rendering her resources more productive—always, however, with reference to particular exemptions—it was expedient to consider the propriety of declaring that all future national expenditure should be defrayed indiscriminately by taxes raised from the same articles in each country; and so on. Whether these facts appeared materia lto the hon. and gallant Colonel, he did not know; but he thought his noble Friend (Lord C. Hamilton) must be convinced that the Act of Union had been strictly and punctually carried into execution, and not for the oppression but for the relief of Ireland from burdens too great for her to bear, and to make the comparative power and resources of England available in order to meet those burdens; and that in this way large sums of money, in no year less than 2,000,000*l.*, and varying from that to 6,000,000*l.*, had been annually paid out of the British Exchequer for the purpose of meeting charges created by expenditure on account of Ireland, which would have continued due, and which would have had to be borne by Ireland if she had continued separate from England.

He ventured to hope after this that the House would consider there was no occasion for a Committee of Inquiry into a matter which was as clear as daylight at this moment. But then, forsooth, free trade had made a great part in this discussion, as if it had been a great sacrifice made by Ireland for the benefit of England; as if nobody in Ireland had gained by free trade, and as if nobody in England had lost by it. From some of the arguments employed, the fall of prices might have been supposed to be confined to Ireland; but was it the fact that there had been no fall in the price of agricultural produce in England? Why, speaking generally, considering that Ireland was a country in which oats were the principal cereal produce, while in England wheat was the principal crop, he might ask with confidence in which country would the permanent effect on prices of free trade and foreign competition be most serious? Certainly on the country which produced the wheat crops. Then the House was told of the destruction of Irish manufactures. Now, he would put it to hon. Members whether anything was gained by the use of hyperbole in the debates of the House of Commons? The hon. and gallant Colonel said that Irish manufactures were destroyed; now, he thought that Belfast was in Ireland, and he was under the impression that the manufactures of Belfast were not in a retrograde condition, but were rather advancing—some people, indeed, were audacious enough to say that the manufactures of Belfast were advancing almost faster than those of any other part of the United Kingdom; yet speeches of the kind to which he was now replying were pointed with doleful ditties on the destruction of Irish manufactures. He agreed with hon. Gentlemen that Government were bound to be not only just but considerate in all proceedings with reference to Ireland. The injustice of this peculiar proposition was shown in the first place by throwing overboard altogether the consideration of the consolidated annuities. A few apologetic words were always used, and it was said they should not take them into account; but he thought they should keep the consolidated annuities in the account. Of course, if in a matter of figures all the items on one side were struck out, you might come to any result you desired. But he objected to this plan of striking out all the items on the other side of the account. This, however, was not a mere matter of account, and the great fallacy lay in so considering it. It should be recollected that Ireland consisted of classes and provinces; and they must separate carefully one from the other if they wanted to ascertain the right and justice of this proceeding. It was true that this financial arrangement would lay a burden upon Ireland; but it would also give relief to Ireland. It would give relief to those who wanted relief, and put a burden on those who could bear a burden. It was said that this was a measure to make the rich parts of Ireland pay the debts of the poor parts; but that was an inversion of the truth. The rich parts had been excused from paying their own debts from their connexion with the poor parts, and that connexion had prevented a much earlier application of the income tax to them. With respect to Leinster and Ulster, there was no cause at all for objecting on the ground of poverty to the imposition of the income tax. When they spoke of the cruelty of extending the income tax to Ireland, because it was a poor country; and when they said Ireland was a poor country, what did they mean? They meant that money was scarce in Ireland; it followed that a man with 150*l.* a year in Ireland was richer than a man with 150*l.* a year in England. If they were going to lay a tax upon every man's income in Ireland, irrespective of the amount, that might be objectionable; but the incomes on which it would be laid belonged to men who were richer than the men who paid a corresponding tax in England. The strictest demands of justice required the extension of the income tax to Ireland, and the justice of the tax must be universally acknowledged. The fact of a country being poor was no argument *primâ facie* against the application of the tax when that tax did not attach to the class that were poor in that country, but only attached to a class which, being defined by a certain amount of income, were actually richer as regarded the enjoyment of the necessaries and comforts of life than the corresponding class who paid the tax in England. But let them look at the case as regarded the consolidated annuities in the poorer parts of Ireland, and see if the change was a matter of indifference. On looking to the figures, they might, on the first view, think it was a matter of indifference. If they took the province of Munster, they would find that the income tax on real and rateable property would amount to about 85,000*l.*, or 87,000*l.*, or

88,000*l.* a year; and that the relief from the consolidated annuities would be 90,000*l.* a year, or about equal. That might be their first conclusion; but that conclusion would be fallacious to the last degree. Who paid the consolidated annuities? The landlord and the tenant. Who would pay the income tax? The landlord and the mortgagee. They proposed to take off the consolidated annuities, and to put on the income tax; the gross amount of the income tax would be about the same as the amount of the consolidated annuities; about half would be paid by the landlord still, but the mortgagee would pay the other half instead of the tenant farmer. Did they think the people of England would consent to abandon the consolidated annuities, and at the same time forego the income tax? As practical men, they were bound to make the welfare of Ireland their prominent consideration; and did they think it was possible to induce the Parliament of the United Kingdom to give up the consolidated annuities and not impose the income tax upon Ireland? If they did, he could not admit their conclusion, though he could admire their sanguine temperament. If they should succeed in getting rid of the income tax, they would not succeed in getting the repeal of the consolidated annuities. He would address himself to his noble Friend opposite (Lord C. Hamilton), though he was not immediately interested in the impoverished parts of Ireland, and ask him if he would endeavour to maintain that state of things by which 85,000*l.* or 95,000*l.* was raised in Munster, one-half being paid by the landlord, and one-half by the impoverished tenant, instead of supporting a proposition by which 85,000*l.* a year would be obtained from Munster, one-half being paid by the landlord, and one-half by the mortgagee. The burden was now placed on a large class of persons who were ill able to pay it, and they proposed to shift the incidence of the burden from that class, and put it on the possessors of property who were equally able to bear it with the corresponding class in England; and, in fact, more able to bear it, for the reason he had mentioned, namely, that Ireland was a poor country, and the command of a given income meant more wealth and luxury in a poor country than in a rich one. Would they endeavour perseveringly to maintain a state of things by which the heavy burden of the consolidated annuities must remain on the shoulders of the poor, instead of putting the burden on the shoulders of the rich, who were as able to bear it, and better able to bear it, than the English? He had not heard the case of the relative positions of the wealthy and poor portions of Ireland more forcibly explained by any man than by an hon. and learned Gentleman who did honour to his country, the Member for Ennis (Mr. J. D. Fitzgerald), in the speech he had made on the subject. With respect to the spirit duties, he would really say no more on that subject than to protest against reckoning the imposition of an additional duty upon spirits as if it were something to be brought to account between Ireland and England. He denied that it was to be set down as a burden inflicted upon Ireland, for if Ireland with a population of 5,000,000 or 7,000,000, felt aggrieved by paying 190,000*l.* on spirits, he did not know what they were to say of poor Scotland, which was relieved from no consolidated annuities at all, though they were going to ask 270,000*l.* from 3,000,000 of people; yet, with the exception of the natural reclamations of parties whose trade was interested, there had not been a voice in or out of the House raised to complain that they were going to levy this 270,000*l.* in Scotland without giving them anything by way of compensation. Sometimes they had heard of "the rights of man;" but he denied that it was amongst "the rights of man" that an Irishman should be allowed to intoxicate himself for 2*s.* 4*d.* a gallon, where the Englishman could not do it. When they levied 7*s.* 10*d.* on the Englishman, would they be justified in the face of England if they did not levy the proposed increase in Ireland. He protested against putting down the levying of this 190,000*l.* as a wrong inflicted upon Ireland; it was utterly unreasonable to take any such view of the case; and he confessed it appeared to him that there were sufficient reasons why the Committee should not accede to the Motion of the hon. and gallant Gentleman.

SIR JOHN PAKINGTON hoped, though he was perfectly unconnected with the representation of Ireland, that he might venture to intrude for a few moments upon the attention of the House. In the first place, then, the right hon. Gentleman who had just resumed his seat, had taken objection to the form of proceeding adopted by his hon. and gallant Friend, on the ground that if his Motion were accepted by the House, the progress of public business must necessarily be very much impeded thereby. Now, though he (Sir J. Pakington) was not prepared to say that in moving for a Committee his hon. and gallant Friend had hit upon the most advisable course; he did not mean to censure the proceeding he had adopted—he did not mean to say that it would be better to have waited for the Committee on the Bill, and then move for it—still he, for one, was certainly determined to give his vote for any proposal brought forward by hon. Gentlemen from Ireland, which had for its object to declare that the Budget of the Chancellor of the Exchequer bore hardly and unfairly upon Ireland. Nor could he perceive that the mode of procedure suggested by the hon. Member for Portarlington would be attended with the serious inconvenience which the Chancellor of the Exchequer contemplated; because he (Sir J. Pakington) imagined that in the event of the success of the Motion the only consequence entailed upon the right hon. Gentleman would be that he would have to except Ireland from the operation of the Bill, only until the Committee had made its report. Now what inconvenience could accrue to the public service from such a course being adopted? Well, the right hon. Gentleman the Chancellor of the Exchequer, in rather a sneering tone, had said that the noble Lord the Member for Tyrone (Lord C. Hamilton), as well as his hon. and gallant Friend the Member for Portarlington had manifested exceeding judgment and discretion in avoiding all figures and details. Perhaps he (Sir J. Pakington) in return might venture to compliment the right hon. Gentleman upon having evinced the same description of sound judgment in having passed over all reference to the clear and able speech delivered on this subject the other evening by the right hon. Baronet the Member for Portsmouth (Sir F. Baring). He (Sir J. Pakington) had not as yet heard any reference to that speech, nor had any attempt been made to answer the view that right hon. Gentleman had put forward in reference to the Irish portion of the Budget; and he felt bound to come forward, as one wholly unconnected with Ireland, and having no motive to take part in this discussion except a desire to free the House from the suspicion of presuming upon Irish weakness. Having no other motive than that, he could not refrain from repeating his strong opinion that the great defect in the Budget of the right hon. the Chancellor of the Exchequer was its want of impartiality—its disregard of equal justice to the different classes in the country. But how had the right hon. Gentleman met that charge? Why, he said Ireland was to be relieved from the pressure of the consolidated annuities. Now, he (Sir J. Pakington) could not accept such an answer; for it seemed to him to be a very serious mistake upon the part of the Government to put those consolidated annuities into the same category with the regular taxation of the country. Why, what was the origin of those annuities? Did they not, for the most part, result from the awful affliction which it had pleased Providence to visit that country with, and in some degree also from the debt contracted under the Irish poor-law for the building of workhouses, but which had no connexion whatever with the regular taxation to which Ireland was subjected? Now, the right hon. Gentleman had spoken of Ireland as being divided into two parties—the rich and the poor. He (Sir J. Pakington) was one of those who served upon the Committee which sat, some two or three years ago, to consider the bearing of the Irish poor-law; and before that Committee was produced a shaded map, one portion of it coloured with white, representing the wealthy districts of the north, while it gradually darkened as the southern and western counties were approached. Well, he believed that the relief which the right hon. Gentleman was going to extend to those distressed counties, afforded no adequate reason for imposing, not only the income tax, but such a vast additional burden of taxation upon the white counties of Ulster and Leinster. He (Sir J. Pakington) maintained, that from the moment that the report of the House of Lords had gone forth, the fate of the consolidated annuities had been virtually decided upon, for it would be thereafter clearly impossible to enforce payment of the whole. With regard, however, to that portion of the annuities connected with the Irish workhouses, he could see no reason whatever why that loan should be remitted; and it seemed to him that by the plan proposed, the right hon. Gentleman was gratuitously throwing away a considerable portion of a debt justly due from Ireland to England. Now, what had been the argument of the right hon. Baronet the Member for Halifax (Sir Charles Wood) when he was taunted, with considerable force and justice in December, with being a party now to the imposition of these burdens upon Ireland? He (Sir J. Pakington) had heard that right hon. Gentleman state that Ireland was unable to bear an income tax; nay, he went much further: his expressions were, in December last, that Ireland could bear no additional taxation at all. But the right hon. Gentleman turned round on the present occasion, and proclaimed that the remission of the consolidated annuities was a complete equivalent for all those new taxes. Well, if that were so, he must declare it seemed to him to be rather an Irish equivalent—for you abandon 240,000*l.* a year in order to impose instead not less than 460,000*l.* under the income tax, under the spirit duties 198,000*l.*, and under the tax upon successions—of which, perhaps, it was difficult to form a correct estimate, but which, nevertheless, had been computed by the hon. Member for Dungarvan (Mr. Maguire), as likely to realise no less than 300,000*l.* a year, though the estimate of the Government made it only amount to 60,000*l.* a year. Was that to be termed an equivalent for the remission of 240,000*l.* a year? He would wish to remind the right hon. Gentleman, whom he was sorry to see absent—as, indeed, was often the case when his measures were under discussion—what the late Sir Robert Peel, whose follower the right hon. Gentleman professed to be, had said when it was expected that he would make Ireland share in the impost of an income tax. He declared that he would not extend the tax to Ireland because he had no machinery to collect it; and next, because he intended to impose an equivalent for it in the shape of additional stamp and spirit duties. And he would recall to the attention of the House that that was the course adopted by Sir Robert Peel before Ireland had been visited by that dreadful affliction to which he had alluded. He was asked, why should not Belfast pay an income tax? It might be perfectly fair to impose such a tax upon Belfast; but, then, Belfast was not all Ireland. He did not believe that a country could go through the ordeal which had befallen Ireland of late years without the marks of that suffering being left behind, and its means and resources being crippled. The right hon. Baronet the Member for Portsmouth (Sir F. Baring) had demonstrated, with all the ability and might of his high financial character, the bearing of the Budget, both at the present time as well as prospectively, up to 1860, upon Ireland; and the result shown was, that while England would be immediately relieved to the extent of 1,040,000*l.*, there would be a balance against Ireland of 413,000*l.*; and, looking onwards to 1860, supposing the whole of the present plan to be carried out, there would be a further remission of taxation in favour of England of 6,715,000*l.*, while the amount remitted to Ireland would only be 47,000*l.* He believed, then, that these figures fully bore out the conclusion which he had advanced, that the Budget of the right hon. Gentleman bore a great deal too hard upon the people of Ireland; and, on that ground, the Motion of his hon. and gallant Friend should receive his cordial support.

Mr. F. SCULLY said, that when the right hon. Gentleman opposite (Sir J. Pakington) and his Friends were in office, there were vague promises thrown out by their organs in the press, and by electioneering agents, that if they were kept in office, those consolidated annuities would be remitted; but they heard from the late Chancellor of the Exchequer that no hon. Member was to leave the House with the impression that the then Government were necessarily about to adopt the Report of the House of Lords. In fact, a considerable sum, 121,000*l.*, had been collected last year on account of those consolidated annuities, under the management of the Government to which the right hon. Gentleman belonged; and if the late Government had remained in office, they would be then discussing the application of the income tax, without obtaining the remission of the consolidated annuities. He (Mr. F. Scully) was by no means pleased to witness the extension of the income tax to Ireland, for he regarded it as a tax necessarily most obnoxious in itself; but, then, it was utterly impossible to ignore the fact, that, sooner or later, the tax must be extended to Ireland; and, the truth was, the late Government was the first Government that proposed its extension to Ireland. He believed, however, that the Motion of his hon. and gallant Friend presented on the face of it the strongest grounds of justice; for one of the principal arguments ever put forward by the advocates of the repeal of the Union, was the unequal manner in which Ireland had been taxed since the Union; and it was, therefore, quite cheering to hear such speeches as those of the noble Lord the Member for Tyrone, and that of other hon. Gentlemen opposite, who had that night exhibited a spirit worthy of the most prominent repealers. He did not agree in the view taken by the right hon. Gentleman the Chancellor of the Exchequer that by the consolidation of the revenues of England and Ireland the latter had been a gainer; for though, in consequence of the Report of a Committee, the amount of interest paid for debt was diminished on Ireland, the question remained on whose account had that been originally contracted? He (Mr. F. Scully) believed the debt had been unjustly and unfairly increased, and that Ireland should not pay the interest of 5,000,000*l*. or 6,000,000*l*. a year, because the debt was not fairly incurred. The rateable property in England was valued at 67,000,000*l*. per annum, and she paid for poor-law purposes about 6,000,000*l*. annually. Ireland was valued at 11,000,000*l*., and she paid for the same object no less than 2,000,000*l*., being 4*s*. in the pound, as compared with a poundage of only 1*s*. 10*d*. in England. Now that the Government were forcing the income tax upon Ireland, the people of that country would have a right to demand the same just and fair consideration of relief from taxation which was given to the case of England. The people of Ireland would have a stronger case than ever to ask for equal justice, inasmuch as they could not then be met with the reply with which their demands had been heretofore treated —namely, that being exempted from the same amount of taxation as England had to bear, they had no grounds for such application. If the Amendment of the hon. and gallant Member for Portarlington were not carried, an inquiry into the relative abilities of each country to bear taxation must take place sooner or later. The land of Ireland had already to bear a heavy load of taxation. In addition to the poor-rates and county rates, it had another rate recently put upon it, arising from the Medical Charities Bill recently passed. To meet the exigencies of that Act, there was 100,000*l*. raised from the land in the course of last year, and in the next year the amount would be considerably greater. About 140,000*l*. would be also required for pauper lunatic asylums. The country was further burdened with the expense of criminal prosecutions and various other matters which ought properly to be placed upon the Consolidated Fund. The opinions of the right hon. Baronet the Member for Portsmouth (Sir F. Baring) had been much adverted to. That right hon. Gentleman said, that the consolidated annuities which were to be remitted amounted to a much smaller annual sum than the income tax which was to be imposed. But the right hon. Gentleman forgot that the one would have lasted for forty years, while the other only lasted for seven. The right hon. Baronet further said, that in the year 1860 the taxes remitted to England would amount to 6,715,000*l*., while the taxes remitted to Ireland, at the same period, would only amount to 47,000*l*. But, in making this calculation, the right hon. Baronet had fallen into the curious mistake of calculating the income tax as to be remitted in England in 1860, and to be continued in Ireland. How the right hon. Baronet should have made such a palpable mistake he could not conceive, and still less how he should have been followed in it by so many of the Irish Members. It was quite plain that if the income tax were remitted in Ireland, Ireland would be a great gainer; if it were not remitted in Ireland, it would be continued in England; and, he believed, it was generally admitted that if the income tax were to be continued in England, it should also be continued in Ireland. He thought it would be fairer and juster, seeing that the extension of this tax to Ireland was inevitable, after the late triumphant majority, to bring forward the proposition of the hon. and gallant Member for Portarlington in the shape of a substantive Motion. It was his belief, that, if such a course were taken, and if the Report of the Committee stated that Ireland was unfairly taxed, the impost would be repealed in the following year. If the proposition were an abstract one, a great number of Members would vote in favour of it who were now deterred from doing so by reason of its being considered a factious movement made for the purpose of obstructing the progress of the income tax generally. He confessed he disliked a factious opposition to any Government, and in the present instance he looked upon this movement as a fruitless opposition, which would only end in a miserable defeat; whereas if the hon. and gallant Member took a different course, he would stand a fair chance of attaining his object.

MR. MAGUIRE wished to repudiate for himself and for his hon. and gallant Friend the Member for Portarlington (Col. Dunne) the notion that this Resolution partook in any way of a factious character. He believed that there was a strong and almost unanimous feeling in Ireland in favour of it. The right hon. Gentleman, in the course of his speech—which for a Chancellor of the Exchequer to make was, he thought, one of the jauntiest he had ever heard—said that the justice of the tax was generally felt and acknowledged in Ireland. Now, if that were the case, such a feeling ought to have manifested itself in those parts of Ireland where the consolidated annuities were particularly oppressive, and where the income tax would be scarcely felt. But what was the fact? Why, it was from those portions of Ireland in particular, where the consolidated annuities pressed heaviest, and the income tax would be felt the lightest, that petitions and remonstrances against the proposed tax were poured into that House. All the counties in the south and west of Ireland had pronounced against the impost. The attempt to gull the people of Ireland into an approval of this tax by saying that the present proposition was a good bargain, because they would have to pay 460,000*l.* instead of the 260,000*l.*, to which they were at present liable, was worse than a financial juggle—it was, if he might say so in Parliamentary language, an Exchequer swindle. The trick was so stale, the juggle so plain, and the real object so unconcealed, he could only express his wonder at any man representing an Irish constituency being gulled by it. Something had been said about the intentions of the late Government with regard to the consolidated annuities; but he must say, that having listened attentively to the speech of the right hon. Gentleman the late Chancellor of the Exchequer, the impression made upon his mind by that statement certainly was, that, though not at the moment, yet it was the intention of the late Government to deal with that question. Nay, he would go further, and say that he understood distinct notice of that intention to have been given. The hon. Member for Tipperary had had the courage to say that Lord Derby's Government was pledged to remove these annuities by their newspaper organs, and their electioneering agents in Ireland. He never understood that that was so; but he certainly never imagined that Lord Derby's Government was pledged to the same extent as the present Government was pledged, not to extend the income tax to Ireland; for, he must say, that his own mind was greatly influenced to oppose the Budget of the right hon. Gentleman the Member for Bucks by having been told, on authority, as he understood, that if the new Government came into power, they would not impose the income tax upon Ireland. Having, then, voted against the Budget of the late Chancellor of the Exchequer, who merely asked for the modest sum of 60,000*l.*, he felt himself much more fully justified in opposing a Budget which demanded the immoderate sum of 460,000*l.* from Ireland. The right hon. Gentleman the Chancellor of the Exchequer, in endeavouring to reply to the arguments that were used against his proposition, omitted to give any answer to the observations made by the late Sir Robert Peel, when dealing with the same subject in 1842. Sir Robert Peel, in 1842, refused to impose the income tax upon Ireland, on the ground that she was unable to bear an additional burden of taxation. And what was the condition of Ireland in 1842? The poor-rate then was only 280,000*l.*, while, notwithstanding that pauperism had been diminished by death and emigration, the amount now was nearly 900,000*l.*; in 1851 it amounted to 1,200,000*l.* The hon. Member for Clonmel (Mr. Lawless), in opposing the proposition of the late Government, said it was the last straw that broke the back of the camel; but now, when not a straw, but an enormous load, was sought to be imposed, the only resistance was a sham Motion, to be asked to support which might almost be looked upon as a personal insult. But let them come back to the real question before the House. Was Ireland able to bear any additional taxation? Property in Ireland had changed hands within the last few years to the value of 9,000,000*l.*; and there were about 9,000,000*l.* or 10,000,000*l.* more of property in the Encumbered Estates Court. He asked whether they thought that that was an indication of prosperity in the country? It was no doubt beneficial to change one class of landlords for another in Ireland; but those landlords were not only ruined, but most of their creditors were also great sufferers. That was the state of Ireland, and that was the time that it was proposed to impose a million of taxation upon the country. It was true that, one way or another, half a million was to be remitted; but if an entire million were to be imposed, the balance against Ireland would necessarily be half a million still. Some hon. Gentlemen opposite, who represented Irish constituencies, had said that the Irish Members of his (Mr. Maguire's) side of the House were not the farmers' friends. He would tell those hon. Gentlemen that, although on his side of the House they had no repentant exterminators in their ranks, he recognised among those with whom he associated the undoubted champions of the farmers, and the consistent advocates of their interests. He, and those with whom he acted, looked upon the assertion that the annuities were to last for forty years as a humbug and a delusion. He would remind the House of a passage in the Report of the Lords' Committee on this subject, in which they said they felt it to be their duty to submit to the House the propriety, in equity as well as in policy, of abandoning this claim. He would ask if that recommendation was deserving a laugh or a shrug? For himself, he conceived that the taking half a million of money out of the country must influence all classes of the Irish community. The famine had made fearful havoc in every family in Ireland. There was not a single family in that part of the kingdom which had not felt its influence, including as well the landlord as the middleman, the shopkeeper as the professional man. Nay, more, many a family was now supported by the industry of a solitary member of it, who formerly depended on the exertions of two at least, if not more of its members. The scheme of the Government would cripple the resources of the trading orders, without doing any good to the working classes. The Chancellor of the Exchequer had alluded to the operation of the free-trade system in Ireland. He (Mr. Maguire), for one, did not object to free trade in Ireland; he believed the whole system of Ireland was based on rottenness, of which one of the props was Protection; but he would ask, did any man believe that the introduction of foreign food into that country had not lowered the price of the produce of the farmers, who had had to struggle against famine and all its consequences? Every one knew that landed property in Ireland, as well as in England, had been reduced in value by the introduction of free trade, as well to the landlord as to the tenant farmer. The right hon. Gentleman (the Chancellor of the Exchequer) had asked the Irish Members a question with regard to the repeal of the Union. Now he (Mr. Maguire) was no new convert to the doctrine of repeal; and if he were not hitherto strongly impressed with the necessity of Ireland minding her own affairs, and keeping her resources under her own control, he thought his opinion would have been greatly influenced by the flippant—he would call it the heartless—speech of the Chancellor of the Exchequer to-night. The right hon. Gentleman asked the Irish Members, were they so sanguine—sanguine was the word—foolish the meaning—as to believe that they would be able to wipe off the consolidated annuities, and not have to bear an income tax in their stead? In his (Mr. Maguire's) judgment, the right hon. Gentleman was doing as much to violate the spirit of the Act of Union as any man he had ever heard speak in that House. He (Mr. Maguire) contended that the people of Ireland had a right to have the consolidated annuities remitted. They contributed 5,000,000*l.* a year and more to the Exchequer, and on that ground alone, if on no other, they had a claim to that remission. The imposition, therefore, of this tax on Ireland was in itself a violation of the spirit of the Union; and to impose it at a time when that part of the kingdom was still reeling from the effects of the late famine was an outrage and a cruelty. He contended, then, that there was nothing factious in hon. Members on that (the Opposition) side of the House supporting the Motion of the hon. and gallant Member for Portarlington (Colonel Dunne). The Chancellor of the Exchequer had alluded to the subject of spirits; and the manner of his allusion to the people of Ireland did not appear to him (Mr. Maguire) to be very creditable to the good taste of the right hon. Gentleman. The fact was, that the people of Ireland had set an example of temperance to the people of England. But, be that as it might, they did not oppose the additional duty on spirits on the ground that it would make the drinking of spirits a more costly luxury, but on simply moral grounds—the same grounds, indeed, which induced the late Sir Robert Peel to reduce the duty—because it would have the inevitable tendency of encouraging smuggling, and degrading the fine and invaluable police force of Ireland to the position of common gaugers. What the distillers of Ireland who met a few days ago in Dublin did, was not to condemn by their resolution the increase of 8*d.* a gallon duty, but certain arbitrary restrictions which placed the whole trade at the mercy of an irresponsible board; and they earnestly asked the Chancellor of the Exchequer not to carry that part of his Budget into effect. They did not ask him not to increase the duty by 8*d.*, but, for the sake of the trade, not to expose them to new risks and new liabilities and restrictions under the operation of his Bill. The right hon. Gentleman had taunted the hon. and gallant Member for Portarlington with the use of a figure of hyperbole. But did the right hon. Gentleman know nothing of the history of Ireland for the last fifty or sixty years? Did he suppose the withdrawal of its Legislature was no injury to the country? If the withdrawal of that Legislature had taken four millions of annual rental out of Ireland, was it any wonder that the trade and manufactures of that country should languish? For his own part, he wished to God that all men of all political creeds in Ireland would come to this conclusion—that there was no salvation for the true interests of that country but her entire freedom from the hands of all Chancellors of the Exchequer. [*Laughter.*] He meant English Chancellors of the Exchequer. He wished hon. Gentlemen to consider that the supporters of the Motion now under discussion were not indulging in a factious opposition to the Government. He, for one, utterly disclaimed any such intention; but he felt it to be an imperative duty to resist the Budget by all the fair and legitimate means in his power. And he thought he could not better address himself to the calm consideration of Englishmen than by saying, "In God's name, if we are fit to bear a burden, put it upon us; but do not jump to a conclusion rashly: do, in the first place, look into the condition of the country, and see if she be really in a fit state to bear it." He asked the House to submit that case to an impartial Committee, although he was bound to say that it was rather hard to find such a Committee.

Mr. E. BALL said, it was something so extraordinary to hear the farmers of England spoken of in anything like terms of kindness, that he could not refrain from expressing his gratitude to the hon. Member who last addressed the House, for the manner in which he had been pleased to refer to a class, the relation of whose sufferings had been too often received in that House with ridicule. He would also express his own sympathy with the people of Ireland, whom this Budget menaced with so much injury. The question was, whether or not the income tax was to be imposed on Ireland. Let the House look at the present condition of Ireland—she came before them reeling in her weakness; she came in all the despondency of a body who, if he might use the expression, had risen from her tomb, and she came with her grave clothes scarcely shaken off. And what was that House doing? Ought they not to administer restoratives; ought they not to endeavour to recruit her exhausted energies? But instead of that they were weakening and purging her. She came asking for bread, and they gave her a stone. Ireland had recently been visited with the plague of famine, and she was now about to be devoured with the plague of locusts.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 194; Noes 61: Majority 133.

Main Question put, and *agreed to.*

House in Committee; Mr. Bouverie in the Chair.

Mr. BLACKETT complained of the machinery by which the income tax was proposed to be assessed and collected. He might safely say that the trading classes had dealt tenderly with the Budget. In the first place, they had accepted the income tax with all its inequalities, and for a much longer period than the most sanguine statesman could have anticipated, though they had suffered much from its inquisitorial character, its intricate machinery, and its injustice towards the various classes of the community. He thought, therefore, they had a right to expect that some alteration would have been made in the Bill so as to remove the subordinate grievance of which they complained connected with the assessment and collection of the tax; and he could not but think that the trading classes had much reason to complain that not a single clause of the Bill, as it came before the House, even attempted to improve the machinery by which the tax was to be imposed. The main objections to the working of the tax ranged themselves under two heads: the first relating to the want of confidence generally felt in the income-tax commissioners; and the second, to the large discretionary powers vested in their hands. With respect to the first of these points, the hon. Member for the West Riding of Yorkshire (Mr. Cobden) had recently suggested that recourse should be had to the system adopted in America—namely, that the commissioners should be elected by the taxpayers of the previous year; but while there was no doubt that such an arrangement would be preferable to the present one, it would still leave the main defect of this part of the tax untouched, inasmuch as the tribunal before which the taxpayer would be expected to disclose his affairs, would consist of his neighbours. But whatever difference of opinion might exist as to the mode in which the commissioners should be appointed, he thought it most desirable that they should strictly define the limits of their discretion, and that, where it was necessary to exercise any discretionary power at all, that power should be vested in the hands of responsible and independent parties. When he spoke of the discretionary powers vested in the present commissioners, he referred especially to their power of deciding as to the deductions allowable for bad debts, and the wear and tear of machinery. He was not asking for a general reduction of the direct receipts of the tax; he only wished that some general rule should be laid down for the guidance of the commissioners in making necessary deductions, and that what was law in Middlesex, should be declared to be law also in Yorkshire and Lancashire. At present the commissioners were left to their own discretion, and the consequence was that the practice varied in different parts of the country. With respect to the deductions for bad debts, he would venture to suggest that all bad debts should be deducted from the nominal profits of the creditor in the year in which the bankruptcy of the debtor was declared, while all subsequent dividends should be accounted for by the taxpayer in the years in which he received them. A similar plan might be adopted with regard to the wear and tear of machinery. At present a different percentage was allowed in different districts. He would recommend that a certain fixed and distinct percentage should be deducted for the wear and tear of machinery, and that the commissioners should not be permitted to make deductions according to their own discretion. He believed, however, that the great desideratum felt by the trading classes in this matter was the want of some general court of appeal, which might exercise jurisdiction over the whole kingdom, and command universal confidence by the regularity of the principles actuating its decisions. There were two grievances with which the right hon. Gentleman might grapple: in the first place, he might lay down a certain rule for cases which were now decided by the arbitrary judgment of the commissioners; and, in the second place, he might establish some court of appeal from the decisions of the commissioners which would be regarded with confidence. Another point demanding to be dealt with was with regard to the expense now incurred in those cases where the attempt was made to prove the income under 150*l.* a year; and, of course, the grievance would be extended with the extension of the area of the tax to incomes of 100*l.* per annum. He quite agreed with the Chancellor of the Exchequer that there was no reason why annuities of 100*l.* a year should escape; and he also thought the right hon. Gentleman quite right in his wish not to touch wages; but he certainly thought that the classes of artisans who earned at the rate of two guineas a week would come within the tax; and that as affected them the tax would break down, inasmuch as they were men who earned their money and spent it weekly, and who, when the collector made his half-yearly call for his 2*l.* 1*s.* 8*d.*, would meet that official with the intimation that they had saved no money. He would not waste the time of the House by moving an Amendment, but he called upon the Chancellor of the Exchequer to consider these points, predicting that if he remedied such defects in the tax he would gain his confessed object, in rendering that impost a permanent and valuable resource in time of emergency and war, and that for himself he would lay in a store of popularity which might stand him in good stead when public matters ceased to wear their present aspect of indifference and peace.

Upon Clause 1 (Grant of Duties),

Lord CLAUD HAMILTON moved the omission of the words "United Kingdom," for the purpose of substituting "Great Britain."

The CHANCELLOR of the EXCHEQUER said, the Amendment raised again the question which they had been discussing all night, and inquired whether the noble Lord seriously meant to renew that debate?

Lord CLAUD HAMILTON said, he had put a question to the Chancellor of the Exchequer that evening, but had received no answer. It was known that Sir Robert Peel declined in 1842 and 1845 to extend the income tax to Ireland. Now, if Sir Robert Peel were right in 1845 in declining to extend the income tax to Ireland, he (Lord C. Hamilton) wished the right hon. Chancellor of the Exchequer would inform the Committee what progressive alterations had taken place since that period to prove the capability of the country to bear the great additional taxation now proposed? The right hon. Gentleman must remember that Sir Robert Peel backed his own convictions by citing the names of Pitt, Fox, Sidmouth, and Grenville, who all concurred in exempting Ireland. He must also remember that until now he had advocated a similar exemption: when therefore he departed from such high authorities, and changed his own convictions, he should state his reasons for so doing. He could hardly allege that the misery produced by famine and pestilence, and the diminution of the population by two millions, in themselves constituted a reason for increased taxation. The right hon. Gentleman seemed to think there was a sound discretion sometimes in avoiding figures. In 1815 it was stated that the taxation of Ireland had greatly increased in proportion to that of England. Was that for Irish purposes? No, it was the enormous increase of the Irish debt for British purposes. It was the tremendous expense of the war. The Irish debt had increased fourfold; the English debt only twofold—the former from 28,000,000*l.* to 112,000,000*l.*, the latter from 440,000,000*l.* to 700,000,000*l.* Who were the warm supporters of the Government scheme? The Manchester party; and they ascribed these wars to the aggressive spirit of England, not to the bellicose propensities of Ireland. It was the result of the great continental struggles carried on by England for the sake of her commercial and maritime superiority. The right hon. Gentleman had carefully evaded all these facts and figures, nor had he at all gone into the consideration which had induced the Irish nation to assent to the Union. In 1822 Lord Lansdowne, in adverting to the financial condition of Ireland, said it was a specimen of the futility of endeavours to place more taxation on a country than she could bear, and complained that the increase of Irish taxation had been so excessive as to destroy revenue. There had been, he said, an endeavour to raise 3,370,000*l.* of increased taxation, whereas it had produced a diminution of 533,000*l.* So the late Lord Sydenham had made a similar statement, and represented the treatment of Ireland as a case which ought to bring shame on the memory of its authors. The right hon. Gentleman had not attempted to show how the circumstances of Ireland now justified the imposition of the income tax, in opposition to those authorities and to the testimony of Sir Robert Peel. The right hon. Gentleman had relied on the old story of the remission of the consolidated annuities. But the right hon. Gentleman knew well he never could have got the whole of those annuities, after the reports and evidence on that subject printed by the other House of Parliament: giving him credit, however, for the whole, the remission was not half the amount of the income tax. Would the right hon. Gentleman, with all his skill in ciphers, show that this was a benefit to Ireland? Then, as to the spirit duty, how could the Irish people be materially benefited? Had not the experience of 1842 shown what would be the results of that measure? Had the right hon. Gentleman attempted to answer all those arguments, it would not have been necessary to readvert to them. The right hon. Gentleman was bound to defend his financial proposition, but had failed to do so. The position of Ireland was exceptional, and the taxation to be imposed would most probably be permanent. If there was to be a permanent tax riveted on the country under pretence of a temporary tax, the condition of the country ought to be investigated, and some endeavour made to vindicate the policy proposed. It was only the right hon. Gentleman's evasion of all these topics which had created the necessity for noticing them again, at a late period of the evening, when the House was far more full than when they had first been brought forward. There was a derangement of the balance of taxation between the two countries, which had been arranged at the time of the Union as the basis of their financial positions: the terms then agreed upon were that the two countries were to unite as to future expenses, on a strict measure of relative ability. He would not go into the figures. The right hon. Gentleman proposed a new scheme affecting the fiscal relations between the two countries. The total amount of remissions to England, after deducting the 250,000*l.* of additional income tax was 1,200,000*l.*, and the amount of increase of taxation, applicable exclusively to Ireland, was 658,000*l.*, which, after deducting the 200,000*l.* remission of consolidated annuities, left an increase of taxation to Ireland of 458,000*l.*; thus granting large remissions to England, whilst imposing new and heavy burdens on Ireland. How could the right hon. Gentleman justify this disproportion? How could he give his advocacy to a proposition now which he had united in opposing a few years ago?

The CHANCELLOR OF THE EXCHEQUER said, in his opinion the noble Lord was pursuing a rather unusual course. The time of the House had been occupied until nearly eleven o'clock in discussing the question of the imposition of the income tax upon Ireland. It had been his (the Chancellor of the Exchequer's) duty to make a large demand on the patience of the House in the course of that debate, and the noble Lord had made a pretty liberal demand upon it also. He had endeavoured to give the best possible answer to the arguments of the noble Lord, who now got up and said the answer was so bad that he insisted upon making another Motion, in order to see if he could get a better answer. He had no doubt the noble Lord had stated demonstrative arguments, which he (the Chancellor of the Exchequer) had entirely failed to meet; but the noble Lord did not see how the House had perceived the total failure of that answer, and had given him the full benefit of that failure in the division which had taken place. The question really was, whether they were now to start again exactly at the same point as that at which they started at the commencement of the discussion. He meant no disrespect to the noble Lord, but did not think it would be respectful to the Committee if, having already expressed his sentiments, he were to start again and detain the Committee by a discussion to which it evidently was not disposed to listen. If the noble Lord wished to enter into the question in a formal debate, he would meet him in the best way he could. At present the question before the Committee was, not whether Sir Robert Peel was right or wrong in 1845—the question was not what was right in 1843, but what was right in 1853. He contended that it was right to impose the income tax on Ireland in 1853, and it was for the other side to show that it was not right to do so: but that could not be done by going back to what occurred in 1845. If they went back to 1845, they might also go back to 1842, to the time of Lord Sydenham, and so on, till they reached the time of Mr. Pitt; but he did not think that sort of retrogressive Motion was likely to be serviceable in the settlement of this question.

COLONEL DUNNE rose with some indignation to repudiate the tone the right hon. Gentleman had assumed. The right hon. Gentleman had asked if he had consulted Lord Derby. He had not; but he had consulted the feelings of the people of Ireland. The right hon. Gentleman had misrepresented his speech. He had expressly alluded to the topics the right hon. Gentleman had charged him with overlooking. He had argued that the Union could not be affected by matter subsequent. The right hon. Gentleman had presumed to lecture and rebuke him. The tone of the right hon. Gentleman's speech was very offensive to the Irish Members. He knew the difference between reason and folly, and between direct and indirect conduct—between a straightforward course, and one the reverse of sincere or straightforward. The right hon. Gentleman's speech had been a tissue of misrepresentations and sneers. The discourtesy of the right hon. Gentleman had been as remarkable as it was unsuited to the station he occupied. He thought that the treaty made at the Union, although bad for Ireland, ought to be kept by the English Parliament, and on these grounds he should support the Motion of the noble Lord.

MR. M. O'CONNELL could see, from the tone which the discussion had taken, that the Irish landlords wanted to save themselves from the tax; but he, as a landholder, was determined to give it his support.

MR. ALCOCK supported the extension of the tax to Ireland. England was exposed to many burdens from which Ireland was exempt. He cordially thanked the right hon. Gentleman for the course he had taken in submitting the present measure to the House.

MR. VANCE wished to expose a fallacy which had been too frequently advanced. From the discouragement given to the commerce of Ireland, that amount of revenue from customs was not collected in that country which ought to be collected there. It had been overlooked that a considerable portion of the customs on articles consumed in Ireland was collected in London and Liverpool; and if the accounts in this respect were fairly gone into, he had no doubt they would show a difference of a million. The Irish people had no objection to pay the same customs and excise duties as England; but the rule had been to exempt that country from direct taxation, and he contended that the imposition of such taxation was contrary to the 7th Article of the Union. With respect to the consolidated annuities, the city which he represented (Dublin) would derive no benefit whatever from the remission. That city at one time owed 40,000*l.*, but in the course of three years the whole amount had been paid, and he considered it most unfair to charge his constituents with the income tax on the ground that they would derive a compensation from the remission of the consolidated annuities. Every part of Ireland was opposed to the tax, not only as a tax, but also on the ground of the inequality of its assessment.

LORD C. HAMILTON said, he would not trouble the Committee by dividing. His object had been to ascertain the ground on which the Chancellor of the Exchequer had deviated from the principles laid down by Sir Robert Peel, of whom he was a supporter.

Amendment *withdrawn.*

MR. FREWEN then moved an Amendment in the clause, to the effect that the duration of the tax be limited to two years. He protested against renewing the tax for seven years as too long a period for the House to tie up its own hands from dealing with the question. The House ought to renew it for a short period, and reserve to itself the power of continuing it from time to time.

Amendment proposed, in page 2, line 26, to leave out the words, "And during the further term of."

The CHANCELLOR OF the EXCHEQUER said: Sir, the hon. Gentleman has raised a question of great importance, and one which is perfectly fair and convenient to be dealt with by the Committee—namely, whether we shall agree to continue the tax for a period of only two years, or for a more extended term. I only wish to remind the Committee that the main objects which the Government have in view in proposing the renewal of the income tax for a considerable time are these two. In the first place, to give stability to our system of finance; and, in the second place, to put the tax upon such a footing, and so regulate its provisions by a progressive descent of the rate as may bring it to a point in which it will probably be in the power of Parliament to part with it altogether, if so disposed. These are the two reasons which governed my Colleagues and myself in the proposition that we have made. The hon. Gentleman says, on the other hand, that we ought not to renew the tax for so long a time, and he would grant it for two years only. My objection to that is, that it would throw the question of the income tax into the same unsatisfactory position as it has now for several years stood—that it would fail to give to our financial system that stability which the propositions of the Government are likely to impart to it; and lastly, that it would not lay the least ground for, nor make the slightest progress towards a state of things in which it would be possible for Parliament to part with the tax. For these reasons I hope the Committee will reject the hon. Gentleman's Amendment.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided :*—Ayes 223; Noes 82: Majority 141.

Clause *agreed to;* as was also Clause 2.

Clause 3 (Duties payable in respect of subjects described in Schedules).

MR. MICHELL moved an Amendment, to leave out "property," and insert "profits;" and in line 13 to leave out "value," and insert "receipts." He wanted the Bill to be in accordance with the title. His object was that property should not pay the tax where it did not yield a profit. He stated that, eight years ago, he had bought two manors, from which he had never derived any profit; and the income tax on this property had been a positive confiscation. Last year he paid 6*l.* 13*s.* 4*d.* on those manors. He was not certain that he would divide the Committee on this question, but he wished to call attention to the hardship inflicted by the Act as it stood. If a man bought an estate, and made no profit from it, the commissioners told him that he ought to have made a profit; and that was all the relief he could get.

The CHANCELLOR OF THE EXCHEQUER said, that if this question were to be considered as a mere change in the phraseology of the Income Tax Bill, for the purpose of giving it greater clearness, he should think it was undoubtedly wise and safe to adhere to the established phraseology which had become intelligible, which had acquired a fixed and known construction, and under which the tax was actually levied. If, however, he understood the hon. Gentleman aright, he had in view a substantial object—he wished to change the form of the tax, by providing that in all cases under Schedule A deductions of every kind that could be shown to have been made, should be allowed to persons who were liable to pay under that head. He was sorry to say he could not meet the views of the hon. Gentleman. The House had already decided upon a proposal less wide than that of the hon. Gentleman—he meant the Resolution of the hon. Member for Berkshire (Mr. Palmer), which by no means went the length of the Motion submitted by the hon. Gentleman. Such a proposal would aggravate the inquisitorial character of the tax, and would add to whatever was offensive in its character to a degree greater in fact than it would give relief by the mere diminution of its burden, while it would cripple the tax by diminishing that burden, and would, moreover, open up a question already decided by the House.

MR. SPOONER had understood the hon. Member for Bodmin (Mr. Michell) to press for the levy of the tax upon the net annual value instead of the gross annual value upon which owners of property were called on to pay. In Clause 30 this provision was made in the case of all persons who held capitular and ecclesiastical property. [The CHANCELLOR of the EXCHEQUER: That has always been so.] Yes, but why should one set of property-holders be allowed to deduct all their repairs, and not another?

The CHANCELLOR OF THE EXCHEQUER said, that Clause 30 certainly related to repairs, but they were repairs of an entirely different character from the repairs of property; they were in respect of the liabilities of these bodies. There was no analogy whatever between the repairs which a rector was liable for in the chancel of his church, and those which a landlord or farmer made in order to enable a tenement to yield its rent. The two things were entirely distinct. They proposed to maintain the framework of the Act exactly as it was.

In answer to a remark from Mr. MICHELL,

The CHANCELLOR OF THE EXCHEQUER said, that the 33rd clause, which referred to sea-walls, contained no new enactment. There must be exceptionable cases, and it was impossible to meet every particular case. It was better to adhere to certain phrases when they had acquired an established meaning, rather than run the risk of disturbing the whole framework of the Act.

MR. WALPOLE thought the right hon. Gentleman had made an admission not quite consistent with his former statement on the subject. The right hon. Gentleman, in opening his Budget, stated that his great object was to keep this tax as a weapon to be used when a great emergency occurred. But now every modification suggested to render the tax more just was refused. If it was desired to retain the tax for some great emergency, it ought to be so adjusted as to make it fair and equitable on all parties, who might then consent to its renewal hereafter. If the tax expired in 1860, with all its present inequalities resting on it, the renewal of it on any great emergency would be opposed, not only by the landed interest, but also by the trading interests, and by those who wished to make a distinction between fixed and contingent incomes. He feared the consequence would be, when any future Government asked for the reimposition of the tax, that they would be unable to do so at the moment when it might be most required. He did not wish to throw any impediment in the progress of the Bill, but he thought they ought now to place the tax on a more equitable footing, so that the country would at once accept it, in case of a renewal of it being necessary at some future period. He would move, therefore, instead of the Amendment of the hon. Member for Bodmin, that the word "net" be inserted before the words "annual value."

Amendment proposed, in page 3, line 13, after the word "the," to insert the word "net."

The CHANCELLOR OF THE EXCHEQUER would simply observe that the principle on which they had proceeded in regard to the clauses of this Bill had been to introduce any mitigating provision, wherever it could be done without breaking up the framework and foundation of the tax. To this Amendment his right hon. Friend of course would not expect the Government to accede, for it was one which avowedly opened up the whole question of the adjustment of the schedules, relatively to each other. The right hon. Gentleman was friendly to allowances on the different schedules to different degrees, whilst Government thought the tax could be levied on that principle, and had endeavoured to provide for the alleviation of the financial burdens of different classes in another way.

MR. SPOONER thought his hon. Friend the Member for Bodmin would find his purpose answered better by withdrawing his Amendment, and accepting that of his right hon. Friend.

Amendment of Mr. Michell *withdrawn.*

MR. W. S. KNOX thought the Government should take time to consider this point, and would therefore move that the Chairman report progress.

The CHANCELLOR OF THE EXCHEQUER said, considering the state of public business, the great interests concerned in the speedy progress of this Bill, and also the fact that they were about to have two holidays, he thought it would be exceedingly inconvenient to leave off at this point.

SIR DENHAM NORREYS thought it

scarcely fair to call upon the House to impose such a tax as this on Ireland, without allowing the representatives of that country a full opportunity of considering the Bill.

The CHANCELLOR OF THE EXCHEQUER said, the Bill had been printed and in the hands of the Members for more than a week. The words used in this clause would have no effect whatever on the mode of levying this tax in Ireland, which was provided for by special clauses, laying down in clear and distinct terms the test that was to be applicable.

MR. M. O'CONNELL wished to call attention to the probable effect of Clause 17, as regarded the occupying tenant, which would materially aggravate the hardship of his position.

LORD JOHN RUSSELL hoped the hon. Gentleman who had moved to report progress would not insist on his proposition.

The Question that the words "United Kingdom" stand part of the clause, was then put, and *agreed to.*

Question put "That the word 'net' be there inserted."

The Committee *divided:*—Ayes 72; Noes 164: Majority 92.

Clause *agreed to.*

The House resumed. Committee report progress.

HACKNEY CARRIAGES (METROPOLIS) BILL.

The Order of the Day for the consideration of the Hackney Carriages (Metropolis) Bill, as amended, was then read.

LORD ADOLPHUS VANE said, he saw no economy in the Bill, and could not understand what there was in it which should make the public so anxious for this wonderful Cab Bill. He should move, upon the next stage, that the half miles be charged at a proportionate mileage rate, and that the rate for waiting be assessed as at present.

MR. W. J. FOX suggested that some right of entrance to railway stations should be provided for cabs, and that these stations should be put upon the same footing as other cab ranks.

MR. JAMES MACGREGOR would be very glad to consent to this, if the Government would repay the railway companies the money they had expended upon their stations.

SIR JOHN SHELLEY understood that the fee at present paid by cabs on entering the stations was principally for water, and that whatever there was over and above went to form an annuity fund for the cab-drivers themselves.

Bill *considered;* Clause *added;* Amendments made: Bill to be read 3^a on *Monday* next.

SUCCESSION DUTY BILL.

The CHANCELLOR OF THE EXCHEQUER *presented* a Bill "for granting to Her Majesty Duties on Succession to Property, and for altering certain provisions of the Acts charging Duties on Legacies and Shares of Personal Estate," and stated that he was desirous of removing some misapprehension which he feared might exist with regard to it, relating to a matter, indeed, of only secondary importance, so far as the principle of the measure was concerned, but still of considerable interest. He had stated, that in the case of a person succeeding to an encumbered estate, he would be charged with the succession duty upon the residue of the net income that would come to him after all deductions had been allowed, and after his encumbrances had been allowed; but that, if he sold it, he would have to pay upon the whole amount of capital after he had liquidated his encumbrances out of the estate. In reference to this latter portion of the statement, he wished to say that it appeared to the Government to be better to abandon that altogether; and, consequently, any person having once paid his tax upon the net income of which he was in enjoyment, would be discharged from all liability in respect of it, whether he sold his estate or not.

Bill read 1°.

The House adjourned at half-after One o'clock till *Thursday.*

HOUSE OF LORDS,

Thursday, May 26, 1853.

MINUTES.] *Took the Oaths.*—The Earl of Ripon.

PUBLIC BILLS.—2^a Aggravated Assaults; Evidence and Procedure.

Reported.—County Election Polls (Scotland).

3^a Sheriff and Commissary Courts (Berwickshire).

ALLEGED INCREASE OF PERJURY.

LORD BROUGHAM moved for returns of the number of commitments and of convictions for perjury and subornation of perjury in the years 1849, 1850, and 1851. The noble Lord said he had to call the attention of their Lordships to a misstatement which had gone abroad respecting the important Act which had been passed two years ago for amending the law of evidence by enabling or compelling the parties to a suit to be examined. He did not hesitate to say that that was a most important Act, and that in its operation it had proved most beneficial. One of the objections which had been taken to that measure when he first had the honour of introducing it was, that it would tend to increase the amount of perjury committed in trials of various descriptions. That objection he had always considered to be wholly without foundation, and in spite of it Parliament had assented to the Bill. He held in his hand a return which had been presented to their Lordships' House, entitled, "Table showing the number of criminal offenders in the year 1852;" and he found that it contained an abstract or summary of the contents drawn up with very great care, in which occurred a note or paragraph to the following effect bearing upon the subject of the Bill to which he referred:—"In the sixth class of offences, comprising all those not properly falling under any of the previous heads, there has been an increase of 22·9·10 per cent, arising from riots, breaches of the peace, and perjury; the commitments for the latter offence having nearly trebled since the operation of the statute 14th and 15th of the Queen, which renders parties to suits liable to give evidence." Now, he begged leave to state that nothing could possibly be more wide of the fact than that statement. Taking the three years 1845, 1846, and 1847, the average annual commitments for perjury were 31. Taking the three succeeding years, 1848, 1849, and 1850, that average would be found to have risen to 50. But this was wholly independent of and antecedent to his Act of 1851, and when, consequently, there was no possibility of parties to suits being examined, except in the County Courts. That Act came into operation upon the 1st of November, 1851, and it, therefore, affected the case only for two months of that year. The return of commitments for perjury for 1851, however, was not 50, much less 30, but 116. Supposing he deducted the 16 for the operation of the Act during the two months, it showed that the commitments for perjury had in one year increased from 50 to 100, or, in other words, had doubled. No doubt, in 1852 the increase continued, for the commitments rose to 157. Their Lordships might ask whence had arisen that great increase? It happened that the next chapter to the Act which had been called by his name, which he avowed having introduced, and thus showed that he did not shrink from any responsibility which might attach to it —the very next chapter contained the Act of his noble and learned Friend opposite (Lord Campbell)—that most useful Act for amending the criminal law and criminal law procedure. That Act provided greatly increased facilities for the prosecution and conviction of perjury; and owing to that it was that the amount of prosecutions had increased from 116 in 1851 to 157 in 1852. His noble and learned Friend's Act came into operation upon the 1st of September, and therefore it affected, as his (Lord Brougham's) did not, the whole quarter-sessions during that year, as well as, of course, the whole of 1852. One word as to the nature of the returns, which only gave the commitments, and not the convictions. The proportion of convictions in perjury to commitments was very much smaller than in that of any other offence; but that inferior proportion had been much diminished by the operation of his noble and learned Friend's Act, in consequence of the removal of many technical difficulties which formerly stood in the way. The difference in the proportions was this:—Taking the 157 perjury cases in the year 1852, for instance, the proportion of convictions to acquittals was as three to two—that was to say, in every five cases prosecuted there were three acquittals to two convictions. In all other offences for the same year the proportion was reversed, there being out of seven convictions two acquittals. He thought it desirable that these proportions should be laid before their Lordships, and he begged to move, therefore, for a return of the number of commitments for perjury and subornation of perjury in England and Wales in the years 1849, 1850, and 1851; also the number of convictions for perjury and subornation of perjury for the same years.

LORD CAMPBELL could not doubt for a moment that the Bill of his noble and learned Friend who had just sat down had conferred great advantages upon the public. He was not aware that it had tended to increase the crime of perjury, for he himself had not committed for perjury in one single instance. It should be remembered that, though there might be conflicting statements between plaintiff and defendant, it by no means followed that wilful perjury had therefore been committed by either. He believed that none of his learned brethren were now in the habit of ordering such commitments. In this respect, as well as in others, the operation of his noble and learned Friend's Act had been most happy—when it was known that the plaintiff and defendant, who, of course, were acquainted with all the facts of the case, might be put into the witness-box to prove them, it prevented perjured witnesses being brought forward who otherwise might be believed. With regard to the greater number of committals for perjury, he rejoiced to find that his Bill had operated in that manner, because the intention of it was to facilitate prosecutions in perjury and other cases.

Returns ordered.

AGGRAVATED ASSAULTS BILL.

Earl GRANVILLE, in moving the Second Reading of this Bill, said it was quite unnecessary that he should trouble their Lordships with any detail of the horrible cases of assault which constantly met the public eye in the columns of the morning journals, because he believed they were perfectly aware how numerous were the cases of great cruelty, wholly wanton and unprovoked, committed by brutal husbands upon their defenceless wives and children. There was an old jocular proverb which, however absurd and ridiculous it might be, had perhaps not been without its evil effects in its way:—

> "A woman, a dog, and a walnut tree,
> The more they are beaten, the better they'll be."

However execrable the doctrine might be, the fact was, that the law, as it at present stood, gave greater protection, both to the tree and to the dog, than it did to the unfortunate woman. A person was liable to corporal punishment for cutting a shrub, and might be imprisoned for three months, with or without hard labour, for ill-treating a dog; but in the case of a woman he might be fined 5*l.*, and in default only of that payment might be committed to prison. It was true that the magistrate might send the case to the sessions; but in that event justice was frequently perverted, for there was an amount of restraint and intimidation used against the unfortunate woman, which prevented the prosecution of the indictment. This was an anomalous state of the law, which it was proposed now to amend by the Bill before their Lordships. The Bill give power to two justices of the peace, a police magistrate, or a stipendiary magistrate, to commit persons guilty of aggravated assaults to imprisonment for six months, with or without hard labour, or to a fine of 20*l.* He felt so confident that their Lordships would not object to the principle of the Bill, that he deemed it unnecessary to say more in presenting it for second reading.

Lord CAMPBELL entirely approved the spirit of the Bill, but observed that the small amount of punishment referred to by his noble Friend was limited to cases in which the magistrate exercised his summary jurisdiction. If the person were indicted for the offence, the sentence of the court upon conviction of a brutal assault might be, not a fine of 5*l.* merely, or committed in default, but imprisonment with hard labour in the House of Correction for two years. He had no doubt that the Bill would have a very beneficial effect, and he should, therefore, give it his warm support.

Bill read 2ª.

COUNTY ELECTION POLLS (SCOTLAND) BILL.

Lord PANMURE, in moving that the House go into Committee on this Bill, said its object was to diminish the time for polling at elections for counties in Scotland. He was sure their Lordships would agree with him, that the shorter they could make the period during which the excitement of an election was carried on, the better, both for the candidates and for the morality of the electors. What he proposed to do by the present Bill had been already done for England. The main proposition was, with one single exception, to restrict the polling in counties entirely to one day; but inasmuch as when the Reform Bill was passed the polling places were definitively fixed and limited in number, it became necessary, in restricting the polling to one day, to increase the number of polling places; and, in consequence of certain changes which had taken place in various towns and villages, it was proposed not only to increase the number, but to alter the localities of some of the polling places. The power of selection was to be placed in the hands of the sheriff, on petition of the electors, but subject to the consent of the Lord Advocate. He thought it would hardly be right to leave the matter entirely to the control of the local judges; but that the final decision should rest with the Lord

Advocate as the representative of the Crown. That arrangement had been sanctioned by a large majority in the other House, and he was not aware that it could be reasonably objected to.

House in Committee.

Clause 1 *agreed to.*

On Clause 2,

The Earl of EGLINTON said, that the Lord Advocate of the day was in general supposed to be a very strong political partisan, and he should, therefore, suggest the propriety of leaving to the sheriffs the power of altering the polling localities when they pleased.

Lord PANMURE was of opinion that the appointment of the Lord Advocate was not more a political appointment than that of any other man connected with the Government; and he felt assured that that officer, in conjunction with the sheriffs, would act in a manner that would be found just and fair towards all parties.

Lord CAMPBELL said, there was no doubt that the Lord Advocate must be supposed to be a very warm political partisan, but such, in his opinion, must the sheriffs also be considered.

The Earl of EGLINTON called the attention of the noble Lord to that part of the clause which provided that not more than 300 electors should be allowed to poll at any such election at any one place. Did that mean that not more than 300 should be allowed to poll, or that not more than 300 should be on the roll?

Lord PANMURE said, the object of the clause was to provide that not more than 300 electors should be on the roll at any one polling place.

Clause *agreed to;* as also the other clauses.

Bill *reported* with Amendment; and to be read 3^a *To-morrow.*

COMMON LODGING HOUSES BILL.

The Earl of SHAFTESBURY, in moving that the House go into Committee on this Bill (on recommitment), said, he wished to make a few observations for the purpose of showing that the question, however it might be undervalued by individual Barons, was not really below the dignity of that House or of the Legislature, nor at all meriting to be designated as either "petty" or "miserable." He had received strong concurrent evidence from all parts of the country as to the extremely beneficial operation of the present system. At this moment there were in this metropolis 80,000 persons living in registered houses, and in two months from this time there would be 20,000 persons more living in such houses, numbering in all 100,000 persons receiving the great benefit of the system. In these houses he found order, cleanliness, and decency taking the place of the filth, disorder, and indecency which had previously prevailed, and fever almost banished. He had received the testimony of many persons from the Continent and from the United States of their great astonishment at the extraordinary results produced by the operation of the Act in aggregations of people, among whom the most terrible filth, disorder, and immorality had prevailed previously. He felt it necessary to state this fact, not with any reference to the humble individual who had brought forward the measure, but in order to vindicate the measure from the offensive and odious imputation of cant and pseudo philanthropy. If any noble Lord would go into the localities where these improvements were being effected, would inquire into the misery which had there existed, and hear the persons benefited contrast their present with their past state, he was quite sure that very few of their Lordships, if any, would throw impediments in the way of this remedial legislation.

Lord BEAUMONT should not have troubled their Lordships with any observations if it had not been for the pointed observations made by the noble Earl with reference to an observation which he (Lord Beaumont) had made use of on a previous evening. Now, not only did those observations not apply to the present case, but the noble Earl, had he recollected what had passed on a previous occasion, might have known that he (Lord Beaumont) was then one of the supporters of this Bill. He considered the question with which it dealt one, not only not beneath the dignity of Parliament, but to be one that called for legislative interference; but he did not feel himself called upon on all occasions when he might sympathise with the noble Earl's objects to approve his mode of attaining them. Indeed he owned that on many occasions, where the noble Earl had shown good ground for interference, it had struck him that the course he had adopted was totally erroneous, and not even calculated to accomplish his proposed end. What he desired in such cases was, to look at the practical details, not at the mere sentiment of the matter. In the present case he admitted that legislative interference was needed, and his chief objection to the Bill had already been removed. That objection was, that the phrase "common lodging house" was not then properly defined; he was happy to find that it was so now. He regretted that any observations of his should seem so to have excited and irritated the noble Earl.

House in Committee.

Amendments made.

The Report thereof to be received on *Monday* next.

EVIDENCE AND PROCEDURE BILL—LAW OF EVIDENCE AND PROCEDURE BILL.

Order of the Day for the Second Reading of the Evidence and Procedure Bill read.

The LORD CHANCELLOR said, he wished to say a few words in explanation of the circumstances under which this Bill came before their Lordships. The Bill was originally introduced as part of a larger measure introduced by the noble and learned Lord (Lord Brougham). His noble and learned Friend, upon his suggestion, assented to divide his Bill into two, placing in one Bill the exceptional matter, and in the other the perfectly unexceptional clauses—such as extending the examination of a wife as a witness as well as the party, and other provisions affecting the law of evidence. The whole Bill was then referred to the Committee, and was divided by them, as had been agreed by his noble and learned Friend. The exceptional part was laid on the table as a new measure, was read a first time, and now came before their Lordships for a second reading. Since the division of the Bill, the Common Law Commissioners had made a most able and most elaborate report with respect to procedure at common law, and that report extended to the whole matter of the second Bill as to evidence and as to procedure. Under his direction those Commissioners were preparing a Bill, which he hoped in a very short time to lay upon the table of their Lordships' House, having for its object the carrying into execution many of the Resolutions they had agreed to in their Report, though not slavishly following out the whole of those Resolutions. Under these circumstances, whilst he was aware it was rather hard, he must ask his noble and learned Friend to divide the second Bill again, reserving those clauses which would complete what he might call Lord Brougham's Code of Evidence, and postponing those which were similar to the recommendations of the Commissioners, to avoid the difficulty and inconvenience of having two Bills passed in the same Session with respect to procedure.

LORD BROUGHAM said, his noble and learned Friend had stated very accurately, and with his usual clearness, the course which had been followed with respect to these Bills, with this exception—that the very valuable Report of the Commissioners was presented previous to, and not after, the original Bill was divided into two parts. He divided the Bill in consequence of that Report, because he found that part of it was not approved of by the learned Commissioners, though not disapproved by them; whilst the other part was entirely approved by the Commissioners. Their Report was decidedly in favour of that part, and he therefore thought he had better retain it, leaving the other to further consideration. What his noble and learned Friend had just stated afforded the most ample justification to him for dividing the Bill a second time. As his noble and learned Friend had observed, it would be most inconvenient to have two measures in the same Session on the same subject, and they had every reason to expect that the one brought in by Her Majesty's Government would probably not only be a better devised measure, but have a better chance of being carried through Parliament. The first four sections of that part of the original Bill which was sanctioned by the Report of the Commissioners, related to the law of evidence, and was intended to make perfect the legislation of 1851, by permitting the examination of the wife, with the single restriction of confidential communications. Those four clauses formed, in fact, one complete measure. It was already the law of Scotland, in consequence of his (Lord Brougham's) Bill passed a month ago. He should ask their Lordships, more for form than anything else, to give a second reading to the other part of the original Bill, which embodied the more debateable matter. Before it was formed into a separate Bill by the division, it was read a second time; but it became necessary to strike it out of the original Bill, and to introduce it as a fresh measure. It was then read a first time, and now stood for a second reading. It was his intention, when the Bill was divided into two, to proceed with one portion, and to allow the other to stand over. Accordingly, he should not proceed further with that Bill this Session; but he hoped the second Bill, when reduced to the four clauses which would complete the Act of 1851, would receive the immediate assent of Parliament. The rest of the second Bill would be formed into a third Bill, and would stand over until he saw if his noble and learned Friend carried into effect the purpose he had announced to-night, by bringing in the Bill which the learned Commissioners were now preparing. He had little doubt that Bill would contain all those clauses which he now postponed, because, with one exception, the Report had adopted these clauses; and he had the strongest hope it would receive the concurrence of their Lordships, and of the other House of Parliament. But he must express his hope that the Commissioners, in preparing their Bill, would not needlessly alter the power of the clauses in his Bill, of which they had approved in their Report. Those clauses had been first prepared by him last autumn; but, coming to town, he had submitted them to persons of great skill as draughtsmen, and particularly he had the advantage of Mr. Pitt Taylor's assistance, than whom no one was better skilled in the law of evidence. The clauses, therefore, had undergone very full consideration, and he trusted the learned Commissioners who had come to their favourable conclusions without any communication with himself, and, he supposed, before they had seen his Bill, would not make any material change in the form of it without some reasons showing such change to be necessary. He would now move that the first Bill be read a second time, having no intention to proceed further with it; and that the Report on the second Bill be received. The second Bill would be recommitted to-morrow, and he would then move that it be an instruction to the Committee to divide that Bill into two, so as to reserve only the first four clauses.

LORD CAMPBELL protested against the first Bill being read a second time, because it tended to abolish the principle of trial by jury in civil cases, but approved of the four clauses of the second Bill.

LORD BROUGHAM protested against the protest of the noble and learned Lord, because the Bill, instead of abolishing, would maintain all that was most valuable of the principle of trial by jury in civil causes.

Bill read 2^a.

Law of Evidence and Procedure Bill.—Amendments *reported* (according to order), and Bill recommended to a Committee of the whole House.

INDIA—PETITION.

LORD MONTEAGLE *presented* a petition from the undersigned Hindoo inhabitants of Bengal, Behar, and Orissa, for the repeal of the Act No. 21, of 1850, of the Legislative Council of India, and of certain regulations considered to interfere with the enjoyment by the Hindoo nation of their ancient religion and customs. The noble Lord said that the petition deserved the gravest consideration, and had been placed in his hands by one of the most eminent civil servants of the East India Company, now a Member of the other House of Parliament, Sir Herbert Maddock. There was no doubt of its genuineness, and its prayer marked its oriental origin. The complaint made was important in itself; but he thought it more important, as raising the very delicate question of proselytism, and the progress of Christianity in the East. No one could be more anxious than he was to anticipate the time when the benefits of the Christian religion might be diffused in India; but at the same time he considered that no step should be taken by the Government or Legislature of India which violated the established rights of the native inhabitants, and the understood compact between them and this country, even with a view to the promotion of Christian truth. A wise neutrality was the duty of the authorities, not only on the grounds of policy, but with a view to further our religious objects. By ancient Hindoo law, it was undisputed and indisputable, that a person entitled to ancestral property held it subject to a religious trust—that he held it subject to certain observances of a religious character. If he lost caste, or quitted the religion to which he belonged, he became incapable of performing those religious trusts, and therefore he became incapable of holding an estate he had inherited, not absolutely, but subject to those religious trusts. It was considered in 1832, during the government of India by the late Lord William Bentinck, that this state of the law required alteration; and a clause was introduced into an Act, for the Province of Bengal, providing, that no Hindoo changing his religion should thereby forfeit any advantages of property to which, without such change, he would have been entitled. This change was introduced as a clause in a Bill to which it had no relation. It was in no instance enforced. That ordinance remained dormant, and almost unknown, until 1845, when the whole question was brought incidentally under the consideration of the Law Commission, and that Commission found this singular state of things in the Mofussil—that whilst there was Mahomedan law for the Mahomedans, and Hindoo law for the Hindoos, there was no law for Christians or foreigners not coming within either of those denominations. As a remedy for this the Lex Loci Bill was recommended. The state of Christian converts was considered; it was anomalous, and the Commissioners recommended a remedy in their Bill, and therefore proposed to extend Lord William Bentinck's regulation, which applied only to the Province of Bengal, to the whole of India; but they proposed so doing with amendments. That proposition was even more cautious than the previous regulation, for, whilst the object sought for was to secure to the Christian convert all the advantages of property which but for his conversion he would have possessed, the Lex Loci contained the important reservation of the rights of other parties interested, who, by reason of these religious trusts, and not having abandoned the faith of their forefathers, should not suffer a wrong for the act of another. The Lex Loci preserved to the converted Hindoo all the rights that he could claim without prejudice to others, but it took care that the convert should gain nothing at the cost, expense, and injury of other parties. It was proposed, also, to institute a court of appeal in which the decisions of the inferior courts might be considered, and compensation to unconverted natives should be made, but so as to prevent the intentions of the Government being frustrated. The law thus recommended by the Law Commission was not carried into effect, for want of co-operation on the part of the East India Company. Thus the matter stood until 1850, when the subject was again resumed, and an Act passed for the same object, but differing in one important particular from the Lex Loci framed by the Law Commission, inasmuch as it absolutely secured the Christian convert all that he could have possessed if he had remained a Hindoo, without those legal religious obligations which it was his duty to perform, but which were cast on others. This law of 1850 deprived other parties of rights, privileges, and property, which they would have been entitled to under the old law. This was done by increasing their responsibilities, whilst those of the converts were reserved altogether. It was against this law of 1850 that complaint in the present petition was made, and its evil effects were pointed out, not only on the ground of the hardships inflicted by its provisions, but because it went beyond the intention of its framers. For instance, if an ancestral property were held by four brothers having equal rights and burdens—on the conversion of one he kept one-fourth of the estate free, whilst the burden of the four was cast on three. But besides this, the law embraced many cases not contemplated at all. For instance, loss of caste did not arise solely on the ground of conversion, but became a penalty for immoral or illegal conduct; and the Act of 1850 saved the rights of the party who had lost caste by reason of immorality or violation of the law, as sacredly as the rights of the Christian convert. The effect of the change was also to alter the laws of inheritance, and to divert property to other parties than those in whom it was rightly vested. The petitioners put their complaint on a ground of compact as well as on that of justice. They stated that from the earliest time of our possession of India—above all, in those times when the inhabitants of India were strong, and the English settlers were weak—we pledged ourselves in the most solemn manner especially to respect the laws of inheritance, of marriage, and religion, in our territories. They referred, in proof of that assertion, to the Act of 1781, when this question was considered and discussed by the greatest men that England, or perhaps Europe, had ever seen. The preamble of the Act of 1781 ran as follows: "Whereas it is expedient that the inhabitants of India shall be maintained and protected in the enjoyment of all their ancient laws, usages, rights, and privileges;" and the 17th section provided, that "their inheritance and succession of lands, rents, and goods, shall be determined, in the case of Mahomedans, by the laws and usages of Mahomedans, and in the case of Hindoos, by the laws and usages of Hindoos." By section 18 of the same Act it was provided, in order that regard might be had to the civil and religious views of the natives, that "the rights and authorities of fathers and masters shall be preserved to them, as they might have been exercised by Hindoo or Mahomedan law." Then, in the regulations of 1793, it was stated, that

> "The many valuable privileges and immunities conferred on the natives of these provinces must satisfy them that the regulations which may be adopted for the internal government of the coun-

try will be calculated to preserve to them the laws of the Shaster and the Koran in matters to which they have been invariably applied, to protect them in the free exercise of their religion, and to afford them security in their persons and property."

In the last Charter Act of 1833, an Act conveying the intentions of Parliament to the Law Commissioners, it was provided, "That in the alterations which the Law Commission might recommend, due regard shall be had to the distinction of castes, difference of religion, and manners, and opinions prevailing among different races and different parts;" and it was also declared by the 87th clause, that there should be "no disabling exclusion on account of sect, colour, or religion." It was clear that one of their first duties to the inhabitants of India was, that there should be secured to them the privilege of being fairly and dispassionately heard upon all these questions, one of their complaints being that a hearing was not now afforded them by a sufficiently public authority. In making these observations, it was hardly necessary for him to say that he was not insensible to the importance of an extension of the Christian religion in India; but he deprecated that this should be sought by unworthy means; but, looking at the page of history, he was certain that even the purest of all religions was best propagated by its own weight and its own recommendations, and that any attempt by indirect means to produce conformity was the surest way to prevent so holy and sacred a cause as that of the extension of religion from acquiring success. The Act complained went further than to secure the convert from loss—it held out to him a pecuniary benefit. An estate, subject to an onerous trust, was in the hands of a convert made an estate absolute. An estate strictly entailed was made capable of being bequeathed. All this was indefensible, and of this the petitioners complained; the more because the benefits granted thus to the convert, were granted at the expense of others, namely, the unconverted.

The EARL of ELLENBOROUGH said, after the clear and accurate statement of his noble Friend, he should not be justified in detaining their Lordships more than a few moments. But, considering the station he had held at one time in India, and having taken considerable interest in this question, he felt bound to express his entire concurrence with what had fallen from the noble Lord. He must say he did think the petitioners were placed under a very great grievance by the legislation which had taken place; and he must also declare that that legislation was in principle altogether inconsistent with all Parliamentary precedents, inconsistent with all the pledges which from time to time had been made by successive Governments, and inconsistent with the practical condition upon which we held dominion in that country—the condition of respecting the laws and religion of the people. Hostile as he was to the measure of which the petitioners made complaint, pregnant as he thought it was with injury to our interest in that country, without in any degree underrating those higher interests to which his noble Friend had adverted, he was certainly of opinion that in practice it did not produce very great evils: and on this account—that the number of converts, pseudo-converts, to Christianity was at the present time so infinitely small, that there were very few cases indeed in which the Act could be called into operation. The strongest proof of that was, that from 1832 to 1845 the existence of that law to which his noble Friend had adverted, was absolutely unknown to the people. At that time it was not customary to publish the laws which were passed regarding India, and the people had no means of becoming acquainted with the intentions of the Legislature. How far that law had been translated he knew not; but he confessed, combining all his practical observations with an endeavour to comprehend the enactment, he should have great difficulty in explaining what was intended by the Legislature. It was said the Act of 1850 was passed to extend the principle of the Act of 1832; and yet the Act of 1850 was passed without any of the provisions and without any of the securities which in 1845 were thought absolutely necessary to prevent its working mischief, injury, and injustice upon the persons who ought not to have been affected by it. But still he believed, from the experience he had acquired when in that country, the operation of the Act was not very prejudicial. He recollected asking an archdeacon, or clergyman, he was not sure which, in India, whether, instead of employing Mussulman candle snuffers and Hindoo Punkah pullers in the Christian churches in India, they could not employ in the performance of such duties Hindoos converted to Christianity? The answer which he received was, that they had not got enough of them. This, too, in Calcutta, where it would have been thought that conversions would have been most numerous. While in Allahabad, he had the honour of being waited upon by an American missionary; and upon asking him if they ever made any converts, he was informed that they never did, except when they had some office to bestow upon them. With respect to dealing with so difficult a subject, he concluded that it would have been much better, in the existing anomalous state of things, to have avoided legislation altogether. The Act of 1850 was passed without regard to the securities which had always been maintained for the preservation of the rights of the natives, and accordingly it was open to all the objections which the noble Lord had stated. Let the House observe what immoral motives the existing Act suggested to the native population of India. A missionary could now go to the Hindoo and tell him that if he came over to the Christian faith, he would be capable, not only of holding all his ancestral property, but would not be subject to the fulfilment of those conditions upon which, as a Hindoo, he inherited it. These conditions, it was true, we might think very wrong, but which were extremely dear to the Hindoo, who was taught from his earliest youth to respect his ancestors, and to perform certain rites considered to be conducive to their happiness. More than this, the Hindoo might be told that if he had a wife, and wished either to get rid of her, or to live with her, he would be enabled to do so. If he wished to live with her, however, his wife as a Hindoo might object to live with one whom she abhorred because of his change of religion; but the law could compel the wife to give him his conjugal rights. If, on the other hand, the convert did not wish to retain his wife, his taste could be equally well studied, as he would be enabled to get rid of paying her maintenance. But it often occurs that in India a man had more wives than one—he might have two wives, an old one and a young one—and under the provisions of this Act he might take the young one to live with him, and leave the old one destitute, or abandon the young and remain with the old one. Beyond this, a Hindoo might have more than two wives, he might have a dozen, and still this accommodating law gave him as a convert the power to take every one of them, and in his Christian state every one of them would be considered as much his wife as if they had been legally married to him when in his Christian state. A most monstrous state of confusion would inevitably arise from the operation of this Act. In cases where conversion had nothing to do with the matter—such as gross immorality, incest, or other offences against morality and decency, where the offender would lose caste, become an outcast, and become no longer entitled to the ancestral property which he held, because incapable of performing the conditions which it imposed—a person so bad, excluded from the society of his own caste, and perhaps the society of all mankind, would by this Act, if he only said that he had been converted to Christianity, become entitled to hold all his property. It was not to be wondered at that such a law excited the remonstrances of the natives of India. They were entitled to look upon this as only the first indication of an intention on the part of the Government to interfere with their religion, or with such laws as were connected with their religion. The Hindoos had always considered themselves safe from any interference of this kind, and consented, on the condition that their laws and religion should be maintained intact, to accept the British nation as their governors, and had ever been faithful subjects of the British Crown. But it could not be expected, considering they were to be subjected to an altered system, of which this was the commencement, that the feelings of the Hindoos towards the British Government would remain as they were. We were safe in India only so long as we adhered to the principles by which we had won it. That which was essential to our existence there, without which our dominion there would not be safe for three weeks, was a continued respect for the religion of the people, and for those laws of property which depended upon that religion. He trusted, therefore, that this subject would be one which would receive the most serious consideration from Her Majesty's Government.

Earl GRANVILLE said, it was not his intention to prolong this discussion; but if all the Members of Her Majesty's Government were to remain silent after what had fallen from the noble Earl and the noble Lord who presented the petition, it might be considered that they either admitted the case against this law to be as strong as it had been put by the noble Earl, or that they did not feel that perfect sympathy with the Native population of India, and thought that in justice and policy they were not bound to respect the laws and customs of the different populations of India. The noble Lord who presented the petition had omitted to state that the securities to which he had referred had been strongly objected to by the Supreme Court of India. With respect to the law passed in 1850, he was not then prepared to state whether it was so carefully worded as to meet every possible case which might occur in one of the most complicated subjects in the legislation of India, but felt quite sure that the principle of the law was a just one. The noble Earl had referred to the engagements which the natives of India considered we had entered into with them with regard to their laws and customs, and he referred to the Act of *Geo.* III., in which those engagements were held forth. Now, he believed that by the very words of the Act he quoted, the laws and customs of every class were alike provided for. The same laws were made applicable in common to all classes of the Native population. If a Hindoo became a Mahometan, that, as a Mahometan, he would have the right to be protected in the possession of the property which he might possess; that, however, was incompatible with Hindoo law, which provided that the property should be taken away from a man if he changed his religion; but this equality did not exist if they left a penalty upon any person who embraced the Christian religion. The noble Earl, moreover, was certainly not justified in speaking of the law in question as the beginning of a system of interference with native customs. We had interfered in the matter of Suttees, and, he believed, it was now admitted that that cruel ceremony was not necessarily connected with the religion of the Hindoos. Then, again, the Marquess of Wellesley interfered to suppress the barbarous practice of exposing children on the Ganges. In like manner when there was a law really injurious to the feelings of the community, the Government would feel it its duty to refuse its sanction to such a law. He entirely agreed with the noble Earl in deprecating any attempt to propagate Christianity, or any portion of Christian truth, among the Hindoos, either by mercenary promises, bribes, or force. He was surprised to hear that this law had been described as a means of bribing Hindoos to the profession of the doctrines of Christendom. All that the law did was to prevent strict penalties being attached to any one who, from conscientious motives, changed his religious opinions. He trusted, therefore, that their Lordships would consider with him that the general principle of the law complained of was fair and reasonable, and consistent with the real justice of the case.

The EARL of ELLENBOROUGH expressed a hope that the Government would look carefully into the wording of the Act, and they would confer a benefit on the Hindoo by providing that he should be no better or no worse off by changing his religion, rather than as at present affording inducements for making such a change. He suggested that provision should be made that, in the event of a Hindoo leaving his religion, a portion of his ancestral property should be made over to some members of his family who would perform the conditions belonging to such property.

Petition *referred* to the Select Committee on the Government of Indian Territories.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, May 26, 1853.

MINUTES.] NEW MEMBER SWORN.—For Rye, William Alexander Mackinnon, Esq.

NEW WRIT.—For Plymouth, *v.* Charles John Mare, void Election.

PUBLIC BILL.—3° Entails (Scotland).

EMIGRANTS TO AUSTRALIA.

MR. MILES asked the Under Secretary for the Colonies, whether, in pursuance of a despatch (No. 169) from Sir C. A. Fitzroy, dated Sydney, October 19, 1852, upon the subject of immigration, any Act had been passed by the Colonial Legislature of New South Wales to regulate the indenting of assisted immigrants, and their employment for a certain time after their arrival in the colony.

MR. FREDERICK PEEL stated, in reply, that, in a recent Session of the Legislative Council of New South Wales, an Act was passed for the purpose of establishing a self-supporting system of immigration, the principle of which was, that emigrants from the mother country were to repay a portion of the cost of their passage, but that in the event of their not being able to do so they were to enter into the service of employers in the colony, who should pay to Government the expense of their passage, indemnifying themselves by deducting the amount so paid from the wages of the immigrants. That Act, however, had not yet arrived at the Colonial Office, and he consequently could not go into the details of the measure, or state whether it contained a clause for enabling the commissioners to assist the guardians of poor-law unions, or the managers of orphan institutions, in sending children to the colony, on condition that they came under indenture to the immigration agent, to serve an apprenticeship of four years, at certain specified rates of wages.

CHURCH RATES.

Mr. R. PHILLIMORE:[*] Mr. Speaker, before I enter upon the details of a subject, the importance of which will, I trust, obtain for me, that which I shall greatly need—the indulgent attention of the House; I am anxious to be permitted to say a few words—and they shall be very few—respecting the particular circumstances under which this subject is about to be introduced to the notice of Parliament.

I was not aware, not having taken my seat in the House till after Easter, that before that period the hon. Member for the Tower Hamlets had publicly signified his intention of bringing the question of church rates under discussion in Parliament—and it was not till after notice had been given of my Motion, that I was apprised by the hon. Member himself of the fact; and, even then, if, after a conference with him, I had found that our measures were in principle identical, I would gladly have waived the accidental privilege conferred on me by the ballot, and have conceded to his superior ability, and greater Parliamentary experience, that priority in the discussion of this subject which would be unquestionably their due; but, I found, Sir, that both in substance, and in form, the proposition of the hon. Member was at variance with mine. At variance in substance, because, though we agreed upon one very considerable point, namely, the entire exemption of Dissenters from the payment of church rates, upon every other part of the question, our views most materially differed. At variance in form, because the hon. Member proposes to bind the House by an abstract Resolution on the subject; whereas, I am desirous—in conformity with what appeared to be the general opinion of the most eminent Members on both sides of the House, in 1851, when the last debate upon church rates occurred—to embody in a Bill, and endeavour to pass into a law, those great alterations in the existing system, which, in my opinion, justice and policy alike demand.

Sir, I wish to make one more preliminary observation: the only pledge I gave upon the hustings was, that, if ever I obtained the honour of a seat in Parliament, I would avail myself of the earliest opportunity to bring forward a measure, of the nature which I am about to propose. Sir, in rising to redeem that pledge, I can only hope that the intimate acquaintance with the subject, which many years of professional study and practice have, I may say, forced upon me, and the kindness of the House, will supply those deficiencies of which I am painfully conscious, in my personal ability, to grapple with the difficulties of this important question.

Sir, as I am about to propose that the Church of England shall, for the sake of peace, make a large sacrifice of her unquestionable legal right, I am anxious to impress clearly upon the House the certainty and character of that right, in order not only that the value and extent of her sacrifice may be duly appreciated, but that the House may exercise a judicial opinion as to whether, under all the circumstances, it be desirable or not that such a sacrifice should be made.

My first proposition, therefore, is, that there is no legal right in the kingdom more ancient or more certain than that of the Church to levy a rate for the purpose of maintaining the fabric of the Church, and for making provision for the decent order of her services.

That quadripartite division of the property of the Church, whereby one portion was given to the bishop, another to the clergy, another to the maintenance of the fabric of the Church, never did, from whatever cause, prevail in England. The contrary assertion, though countenanced by *Blackstone*, book i. ch. 2, is now proved to be erroneous by the recent publication of a law of Canute, 1018 A.D., which is to be found in the Report of the *Ancient Law and Institutes of England*, printed in 1840, under the direction of the Commissioners of Public Records; in that law it is said, *Ad fanum reficiendum omnes quidem opem ferre debebunt.* The Statute of Edward the First, known from its commencement by the title of *circumspecté agatis*, proceeded upon the basis of this principle; and our great provincial canonist, Lyndewode, writing in Henry the Sixth's time, distinctly announced it in these words:—

> "Unusquisque parochianus tenetur ad repara-

tionem Ecclesiæ juxta portionem terræ quam possidet intra parochiam et secundum numerum animalium quæ tenet et nutrit ibidem."

That is to say, that every parishioner is assessable to church rate according to the land and the stock which he possesses in the parish.

But the position does not rest upon these ancient authorities only. In the last decision on the Braintree case, that fruitful source of litigation, which has acquired so unenviable a notoriety, Mr. Baron Parke—himself, be it remembered, opposed to the power of the minority to make a church rate—laid down the law in these words:—

> "It is now perfectly established law, that the parishioners in vestry assembled can alone make an order for a pecuniary rate, and that neither the Churchwardens, nor the Ordinary, nor Commissioners, nor any other, without the authority of the parishioners, can rate or tax them for the purpose. The rate, supposing a rate to be the only means by which the money can be raised, must, under ordinary circumstances, when all are willing to do their duty, be one to which the majority present assent. It cannot be the rate for which most votes are given; it must be the act of the majority. If, in a vestry meeting of twelve, five vote for one sort of rate, four for another, and three for a third, the first rate would not be valid. No trace, I believe, can be found of a by-law, or any order of a deliberative or in some sense legislative body, which the parishioners in vestry assembled are, made *more burgensium*. The parishioners then ought to have assembled for the purpose of making a rate, and, being so assembled, ought to have made it; and it may be considered that those were liable to ecclesiastical censures who disregarded their duty, especially as a monition issued, fixing the time and place, and pointing out the making of the rate as a duty to be performed. I presume it is not to be doubted but that the Spiritual Court would punish those who wholly abandoned their duty, and wilfully and without excuse refused to concur in making any rate, or adopting any means to cause the repairs to be made."—*Gosling* v. *Veley*, 12 Adol. & E. (N.R.), p. 394.

But it is not merely to the certainty but to the comprehensiveness of this parochial obligation that I wish to call the attention of the House. The rate is assessable indeed *ratione personæ*, but it is assessable upon all property, upon stock in trade as well as land—[Sir G. Pechell: Upon ships]—and as the hon. Member reminds me, upon ships. The Court of Delegates decided that such was the law in the case of Miller *v.* Bloomfield, in the year 1828. No annual Act is passed to exempt stock in trade from its liability to pay church rate, though practically it is exempted by the difficulty of assessing and levying such a rate. The law is clearly stated by Prideaux, p. 106, to the same effect.

In the evidence taken before the Committee upon Church Rates (1851), over which my predecessor at Tavistock presided, and to which I shall have frequent occasion to refer, Dr. Lushington appears to have given the following evidence:—

> "Q. 2389. Do you wish the Committee to understand, that church rates at any time would have been regarded as a poll tax?—Certainly they were of that nature, and it is obvious they were, because wherever there has been a charge upon land, as in the case of tithes, there has always been a power of distress and seizing the lands; but though since the time that any Church has been appropriated or impropriated, the impropriator is bound to repair the chancel, you cannot seize the rectory, or have a distress against the property; that has been decided by the Courts of Common Law upon the very ground which I am stating, that it was a tax *in personam*, and all you could do was to put the impropriator into prison, but you never could take his property. I take it that the whole question with reference to that is completely settled, whether it be a charge upon property, or upon the person in respect of property."

The learned Judge refers to the different customs as to the assessing church rate, and speaking of the case of Miller *v.* Bloomfield, which I have mentioned, he says—

> "At Poole, and also at Boston, persons were mode to pay, not merely for the houses and lands which they occupied, but for the ships which they possessed, and for their stock in trade; and when the whole case was legally decided, at the Delegates, some twenty-eight years ago, one of the Common Law Judges, Chief Justice, expressed his opinion that, in strict law, you might assess a man according to his whole personal estate; and he expressed it very strongly, because, in the course of the argument it was said, 'That you may as well assess Rundal and Bridge for all the jewellery in their shop;' and he answered, 'So you may.' But in practice and in usage the ordinary course is to assess the occupant always, and according to the value of his holding.
>
> "Q. 2482. With respect to the property which should be made the subject of such rate, are there any difficulties or doubts in the law at present which, in your judgment, should be amended?—No, I think none.
>
> "Q. 2483. Is all land within the parish rateable, excepting such exempted land as I have spoken of?—Yes. I never heard of an attempt to relieve any other land from church rate excepting the glebe.
>
> "Q. 2484. And it matters not whether the occupier lives within the parish or out of it?—Certainly not; there is an old case upon that subject."

It is quite clear, therefore, without referring to other authorities—and there are many to the same effect—that under the existing law every parishioner is bound to contribute to the repairs of the nave of his church, and that the obligation attaches upon all his property of whatever description within the boundaries of the parish.

But, upon what principle of law does this obligation rest? And, upon what supposition of fact is this principle of law founded? for the House cannot do justice in this matter without attentively considering both the one and the other. Why—upon the principle of law, and the supposition of fact, that the Church and State are identical—that there is no such thing as any legally recognised difference of religion from that which the State has established, endowed, and professed.

Sir, it cannot be denied by any candid and intelligent person, that this hypothesis is the foundation of the present law respecting church rates; and it is a consideration, I think, of great moment for the House, whether the fact, upon which this law is built, namely, the uniform profession of the religion of the State by the subjects of the State, has not undergone extensive alteration, and whether, if this be so, it is equitable or just, when the reason on which the law is founded has, both legally and practically, ceased, the law should nevertheless remain the same and unaltered.

Now, I need not waste the time of the House by demonstrating that, before the period of the Reformation, the religious faith professed by the State was the only one contemplated by the eye of the law, and that there was no legal acknowledgment of any difference of religious opinion; but it is a great mistake to suppose that this principle was confined to the period before the Reformation—it continued to exist after that event, and for a considerable time in full vigour. The principle of an uniformity in religion was established and enforced by the most stringent laws, and is to be found not only in the statutes of Henry the Eighth, but in those of Edward the Sixth, and of Elizabeth. The canons of 1603 passed in the reign of James the First, sanctioned by the royal authority, and binding, unless altered by subsequent statute, the clergy to this day, contain the severest denunciations against persons who presumed to assemble together for the purpose of exercising the rites of any religion differing from that of the State. I pass by the reign of Charles the First, and the period of the Great Rebellion, during which, unquestionably, the system was broken down; but in the reign of Charles the Second, the principle of universal conformity to the Established Church (witness the well-known Test, Corporation, and Conventicle Acts) was again enforced by statute with as much severity as before; in fact, it was not till the time of William and Mary that a new principle of law was introduced into the constitution, that by Act of Parliament, by what is called the First Toleration Act, a legal recognition, and, in fact, a registration of dissent from the Established Church was effected, and from that period, in my opinion, the reason, the foundation upon which the law of church rates was built, was shaken.

It is true that the First Toleration Act imperfectly executed this principle—and that the idea of the one religion professed by the State was not wholly abandoned, for a clause in that statute required even dissenting ministers to subscribe, with some exceptions, to the Thirty-nine Articles.

The principle of this original Toleration Act of William the Third—the restriction of which, respecting the subscription to the Church of England Articles, soon disappeared, was developed gradually by subsequent statutes, and especially by those which passed during the reign of George the Third — towards the end of whose reign another Dissenters' Registration Act was passed.

By the abolition of the Test and Corporation Acts in the reign of George the Fourth, when a participation in the rites of the Established Church ceased to be a necessary passport to office, the legal status and recognition of dissent was still further and very greatly advanced. But in the reign of Her present Majesty the last links which connected Dissenters with the Church Establishment have been broken off. During the reign of Her present Majesty nonparochial registers were made lawful evidence in courts of justice—a measure, the importance of which to Dissenters could scarcely be overrated; besides this, many other Acts of legal recognition are to be mentioned, such as Dissenters' Chapels, recognised for the purpose of serving notices, relative to elections and other public matters — Dissenters' burial grounds allowed—and, above all, Dissenters' marriages rendered lawful without any intervention of the rites of the Established Church. And only last year an Act was passed, which was introduced, I believe, by a right rev. Prelate in the House of Lords, which struck off the last link of the chain of legal connexion between Dissenters and the Church Establishment, rendering it no longer necessary that Dissenting meeting-houses should be registered in the Ecclesiastical Courts, but providing for their registration through the machinery of the office of the Registrar General. This, Sir, is a rapid sketch of the changes in the law with respect to the relation between the Dissenter and the State; and the mention of the last circumstance introduces the question of the change in point of fact.

Taking advantage of the recent statute which I have mentioned as to registration of dissenting places of worship, the Registrar General instituted a statistical inquiry into the growth and progress of dissent, as evidenced by the building of places of worship since the First Toleration Act in William the Third's reign up to the present time. The hon. Member for Manchester moved for a return of the result of this inquiry, and that return was not long ago laid upon the table of this House. It is entitled, a "List of Returns made to the Registrar General of the number of Certified Places of Religious Worship of Protestant Dissenters; with an Analysis and Summary of the said Returns; and total Number of Places of Meeting for Religious Worship certified to the Registrar General, under the Act of 15 & 16 *Vict.* c. 36, up to 1st January, 1853, distinguishing the Total Number of Places so certified in each of the six preceding months by each Religious Denomination."

Hon. Members would do well to study it. It contains a very startling revelation. There are, it appears by this return, in England and Wales, including those belonging to the Roman Catholics, 54,840 Dissenting Places of Worship.

It is to be remembered, indeed, that many of these are of very small size, many not filled, many built on speculation, some closed; but after all deductions are made the statistic is, in my opinion, of an awakening and instructive character.

It is often said, and with truth, that the Dissenter purchases his property knowing that it is subject to the payment of church rates, and that he has therefore no right to complain of the burden; nevertheless, it must be remembered that not only the property but the house which he builds upon it becomes subject to this tax—it is not merely the property which the Dissenter finds in existence, but that which he creates himself which is charged for the support of a church from which he conscientiously and legally dissents. This appeared a hardship to the mind of one of the most accomplished Prelates of our Church, the late Bishop Coplestone, and he expressed himself to this effect, as hon. Members may see on referring to the volume of his Memoirs, which has been recently published.

Now, Sir, in this altered state of law and fact with respect to the existence of dissent in this country, it is not to be wondered at that great opposition should have arisen to the making and the payment of church rates.

It is true, indeed, and the circumstance is worth consideration, that opposition to church rates upon principle is scarcely to be found (for the case of Gaudern *v.* Selby, in 1799, can hardly be considered as an exception) before the year 1830. To the amount and the mode of levying the rate, and other matters of detail, opposition appears, from the cases in prohibition, to have been made in Charles the Second's time; but it is not much, if at all, before the period which I have mentioned, that a principled opposition was called into existence against the levying of any church rate under any circumstances.

Then the practical difficulty of enforcing the law became apparent, and to that I must briefly advert.

The existing state of the law is as follows: A church rate is duly made—a parishioner duly assessed, refuses to pay—he is summoned before the magistrates; but the validity of the rate is disputed, and their jurisdiction is at an end. He is, therefore, sued in the Consistorial Court of the diocese; from thence there lies an appeal to the Court of the Archbishop, and from thence to the Judicial Committee of the Privy Council. But then, this litigation may be infinitely increased by the following method: One of the parties in the suit applies for a prohibition to the Court of Queen's Bench—from the decision of this tribunal there is an appeal to the Exchequer Chamber—from thence to the House of Lords; all this protracted, costly litigation about a demand probably of a few shillings—a state of law wholly, in my opinion, indefensible.

It may be observed, in passing, that there is a special statute respecting the recovery of church rate from Quakers, 7 & 8 *Will.* III. c. 34; 5 & 6 *Will.* IV. c. 74.

Well, but there is another case to be put. A rate is necessary, and the vestry refuses it. What is to be done? Can the minority make a rate? or, is the church to be allowed to fall into ruin?

The Braintree case is now depending before the House of Lords, and I believe it is no secret that they will reverse the decisions of the inferior courts, and decide that a minority cannot make a rate. This is the decision which, after two trials, each in two Common Law and two Ecclesiastical Courts, after many years of protracted and expensive litigation, is about to be promulgated. But if this be so, it will be by no means decided that there will not still remain the power in the Ecclesiastical Court to proceed against each individual for a contumacious refusal to make a rate for necessary objects, such as the maintenance of the fabric, and the procurement of the sacramental bread and wine; and compel him, by excommunication, that is, I grieve to say, eventually and practically by imprisonment, to contribute his quota. Can anything be worse than this state of the law? Observe, moreover, that it operates not only with great hardship upon the Dissenter, but with great injustice upon the Churchman. For what is the practical consequence? Why, that in the great manufacturing towns, no church rate is attempted to be levied, and that the necessary and legal expenses are defrayed by the liberality of a few zealous and pious Churchmen—while the illiberal part of the congregation, who would by no means abandon their right to church offices, who would think it very ungenteel not to go to church, escape from the payment of their just contribution under the shield of the Dissenter, because a rate cannot be levied upon him, it cannot legally be levied at all, and therefore they escape altogether. I would ask the attention of the House to the evidence before the same Committee on this point:—

"Q. 3131. With respect to the out-townships of Leeds, would you tell the Committee whether church rates are levied there?—Church rates are not levied now in any out-townships of Leeds; there are several very large out-townships, Hunslet having nearly 20,000 inhabitants now; Holbeck has, perhaps, also 15,000 or 16,000.

"Q. 3132. Headingley?—The last place in which a church rate was laid was Headingley. There has been no church rate laid in Headingley, but the churchwarden of Headingley raised the amount necessary for the repairs of the Church and the support of the worship by a voluntary rate upon the Churchmen themselves.

"Q. 3133. Are church rates levied in any of the principal towns of the West Riding of Yorkshire?—In the principal towns of the West Riding of Yorkshire, church rates have been abandoned for some years.

"Q. 3134. Bradford, for example?—In Bradford, for the last ten years, and with its chapelries of Eccleshill, Haworth, Horton, Manningham. Shipley, Thornton, and Wilsden. In Halifax, for the last fourteen or fifteen years, there has been no rate, and there is none in the townships or chapelries of Midgley, Ovenden, Skircoat, Sowerby, Fixby, Rastrick, Heptonstall, and Stansfield.

"Q. 3135. (Sir D. Dundas.) Those are all populous places?—They are all populous places. In Huddersfield there has been no church rate for fourteen years; there is no church rate in the chapelries of Golcar, Lindley, and Longwood. In Sheffield, there has been no church rate for thirty years, nor in any of its chapelries. In Wakefield there has been no church rate for five or six years. There is no church rate in Otley; none in Barnsley, and in many of the large villages."

The witness further states that—

"In most of the populous towns of the West Riding they do not now pay church rates, and that in many cases the opposition to church rates was seen to be so strong and so general, that neither the clergyman, nor the clergyman's friends, chose to have the bad blood that would have ensued from a contest, and they gave it up.

"Q. 2609. Do you happen to know the amount of the costs?—I do not, but generally I can say, that from that time to the present, no church rate has ever been levied in that parish, which is the largest parish in Leicester, containing about 25,000 or 30,000 inhabitants; I believe, also, that in the other parishes of Leicester, with one exception, for the same period, no church rates have been levied; I believe in that solitary parish, which was the parish of St. Martin, Leicester, up to the last year, church rates were levied; a violent opposition was raised there; I believe at the very last meeting there, the anti-Church party prevailed, and the rate was refused; therefore in Leicester now, I believe, there is not a single parish which pays church rates."

Practically, therefore, it may be fairly said no church rate is made in any of the large manufacturing towns of the North of England; but this is not the only evil of the present system. Where the rate cannot be openly refused, various devices are resorted to for the purpose of evading it; and two appear to be of common use; one to make a nominal, insufficient rate, another to choose a dissenting churchwarden, an officer in fact, determined not to do the duty he is chosen to perform.

Here is the evidence of Mr. Courtauld, the hero of the Braintree Case:—

"Q. 485. It had been previously determined, as a very available mode of practically opposing a rate, that a Dissenter (and I was to have been the individual) should be the churchwarden. I refrained from taking office, and it was agreed that the Vicar's churchwarden should, without any obstacle or embarrassment whatever, take precisely that course which would, under the most favourable circumstances, at least settle this question, whether a minority could be enabled to make a rate.

He then speaks of—

> —"the ten thousand expedients which may be found abundantly suggested in almost every judgment in this case, as means by which opponents of a church rate may, if such be their policy, embarrass and throw obstacles in the way of its being made."

And he is asked—

> "Q. 486. (Chairman.) Is the proposal of a nominal rate one of such resources to which you allude?—Yes, it is one of such manifold resources.
>
> "Q. 487. And the appointment of a churchwarden who is notoriously adverse to the proposal of a rate?—That is an expedient by which considerable facility may be given practically. . . . . I am perfectly satisfied, from my rather abundant experience in this sort of warfare, that it is exceedingly convenient to the opposers of a church rate to have in their favour an officer in that character of churchwarden."

And in the case of the church rates at Melbourne, in Cambridgeshire (in which I remember that I was counsel), I find in the report the following evidence:—

> "Q. 3056. Do the parishioners ever elect Dissenters as churchwardens with the view of evading the rate?—Since 1848, we have elected a Dissenting churchwarden each Easter."

These, Sir, are the legal difficulties which at this moment encompass the levying and collection of church rates; but if there were none—if the law was clear and easy of enforcement, I do not hesitate to say that such are the social, moral, and religious evils which attend the existing state of the question, that I would earnestly call upon this House to pass an enactment which should change the law.

Sir, I can appeal, upon this point, to the language of an authority highly respected both in this House, and in the country, and one from which hon. Gentlemen opposite, at least, will not dissent—the language of my Lord Derby, in 1834. And, Sir, I am reminded by the reference which I am about to make, and by citations which, for the sake of convenience, I have occasionally made, not only from my own notes, but from a pamphlet which I hold in my hand—a pamphlet which was put into my hands this morning, written by the noble Lord the Member for Lynn—*The Church Rate Question Considered*—which I hailed then and hail now with the greatest satisfaction, for the noble Lord, whom I now see opposite to me, suggests a remedy in all material features the same as that which I am about to propose. Sir, I well know the value of the aid which is conferred upon the csuse which I am advocating, not only by the illustrious name and the high position, but by the unquestionable talent and ability of the noble writer of this pamphlet. Sir, I was about to say that in 1834 the present Lord Derby expressed himself in the following language:—

> "Did any man suppose that those interests of the Church was by maintaining every one of its abuses? Did any man suppose that those interests were to be promoted by a profanation of the Church itself, year after year; by a desecration of the house of God; by a squabble about church rates at each succeeding Easter? In rejecting such a proposition, let them remember the immense amount of responsibility which they assumed, the quantity of ill-blood and heartburnings which they perpetuated, as well as the annual desecration of the house of God Easter after Easter. He entreated them to consider well before they arrived at any such conclusion."—[3 *Hansard*, xxij. 1036.]

And again I may refer to the opinion of Dr. Lushington—from such opposite quarters does the same opinion come. He is asked—

> "Q. 2375. Do you think that great social evils arise, as far as your experience is concerned, from the existing mode of repairing the fabrics of churches?"

His reply was—

> "Most certainly. Looking back at my experience, which is now above forty years, I have seen not merely litigation in courts, but I have seen every description of heartburning and quarrels, the separation of parishes into two parties, not precisely upon religious scruples, but from the feeling of one party towards the other, and so on; and it has created greater feuds than any other subject that I know.
>
> "2376. Do you think the existence of church rates, for example, likely to impair the proper influence of clergymen over their flocks?—That depends entirely on the clergymen themselves. Every clergyman of discretion keeps himself, as far as possible, aloof and away from church rates; and he says, 'that is the business of the churchwarden and the vestry; it is not mine.' If he imprudently intermixes himself with the church rate, then he is very likely to get into difficulty; but all the prudent clergy whom I have known have always kept apart."

Now, Sir, let me state briefly to the House what measures for the relief of this evil have been proposed in Parliament.

In March, 1834, Mr. Divett brought forward a Motion—

> "That, in the opinion of this House, it is just and expedient, that effectual measures should be taken for the abolition of compulsory payments of church rates in England and Wales."

The Government, however, undertaking to introduce a measure on the subject, the Motion was withdrawn; and accordingly, in April, 1834, Lord Althorp, the then leader of the Government in this House, proposed the abolition of church rates, and, as a substitute, that 250,000*l.* should be secured on the Consolidated Fund, and 50,000*l.* be raised from the better management of Church property. This proposition was, I rejoice to say, found impracticable, and abandoned. I rejoice, for these, among other reasons: that it would, in fact, have been no relief to the Dissenters, who would still have contributed indirectly, by payment of the additional tax, to church rate; and because I do not at all desire that the Church, for any purpose whatever, should come to Parliament for money.

In the next year, in May, 1835, Sir Robert Peel declared in Parliament that the reformation of the law ought not to be delayed for another year.

In March, 1837, Mr. Spring Rice, then Chancellor of the Exchequer, brought forward a Motion [3 *Hansard*, xxxvj. 1208] corresponding exactly, I believe, with the Amendment by which the hon. Member for the Tower Hamlets proposes to overthrow my attempt to bring in a Bill this evening.

Mr. Spring Rice proposed "the total abolition of church rates, and that in lieu thereof a permanent and adequate provision be made by an increased value given to Church lands by the introduction of a new system of management, and by the application of the proceeds of pew rents." This debate was on many accounts remarkable, but, chiefly on account of the distinguished Parliamentary position of the speakers, and the great ability of their speeches. The Motion was carried by so small a majority that the measure was abandoned.

In 1841 and 1842, Mr. Easthope brought the case of Mr. Baines (a Dissenter, who refused payment of church rates), before Parliament, and the House came to a Resolution condemnatory of the existing law respecting church rates.

In March, 1849, Mr. Trelawny brought forward the question in the following shape: he proposed a Resolution:—

> "That it is the opinion of this House, that effectual measures should be immediately taken for the abolition of church rates."—[3 *Hansard*, ciij. 639.]

Upon this Sir Page Wood moved an Amendment, embodying the main principle of this measure—

> "for discharging persons dissenting from the Church as by law established, from contributing to church rates, and from taking any part in levying, assessing, or administering the same."

In April, 1851, however, this House ordered—

> "A Select Committee to consider the law of church rates and the difference of practice, which exists in various parts of the country, in the assessment and levying of church rates, and to report their observations to the House."

And on that Committee Mr. Trelawny presided. They made no report, but the evidence which they collected is recorded in that book to which I have so often referred.

Now, Sir, before I proceed to state the details of my own scheme, I wish to show that the plan of the hon. Member for the Tower Hamlets, the revived plan of Mr. Spring Rice, is open to grave objections. The substitutes which it proposes for church rates are, first, "better management of church property;" secondly, "funds from pew rents."

Sir, as to the first substitute, I, for one, will never consent that the Churchman, who enjoys and avails himself of the ministrations of the Church, shall escape from the discharge of an obligation which, in his case, is sanctioned, not only by law and immemorial custom, but by reason, by justice, and by conscience. I will never consent that he shall avoid the payment of his just contribution to the necessities of the Church of which he is a member, by depriving the poor, the ignorant, the untaught, of a large portion of that aid which a better distribution of Church property is now about to impart to them.

It will be time enough, when the appalling spiritual destitution of the land is removed, when the light of the Gospel has penetrated into those dark alleys of our large manufacturing towns, when its healing influence has been shed over those festering masses of actual heathenism which exist in such fearful contrast and vicinity to those magnificent dwellings with which they are surrounded—it will be time enough when this blessed result has been achieved, when this disgrace and scandal to our country has been wiped away, to consider whether the funds of the Church, upon which the supply of proper ministers is the first demand, shall be applied to the relief of the pockets of Churchmen.

Not less objectionable, Sir, in my opinion, is the proposition to derive church rates from the sale and hiring of church seats.

Sir, at present, I rejoice to say, the common law of England knows nothing of the sale and purchase of seats in the house of God. It is true that in an evil hour the necessities of the Church have seduced some well-meaning persons to sanction in particular cases, under the authority of special Acts of Parliament, this most pernicious mode of endowment. And in some cases the common law has been evaded, and seats in parish churches have been illegally bought and sold. The consequence has been—I can speak from no inconsiderable personal knowledge and official experience of the fact—almost invariable evil: quarrels among the parishioners, disputes with the clergyman, and that great and cardinal evil, the exclusion of the poor from the Church.

Sir, it is to be remembered, that when Dr. Lushington suggested in answer to an inquiry, that pew rates might form a part of the substitute for church rates, that suggestion proceeded on the assumption that the Dissenter was still to contribute to the payment. He says—

"That all the inhabitants, without distinction, or regard to different modes of faith, ought to contribute to the repairs of the Church."

Moreover, Dr. Lushington is of opinion, that the very evil which I anticipate from pew rents would follow. I must again cite from the Report:—

"Q. 2601. (Mr. A. Hope.) Have you formed any opinion as to whether payment for the repair of churches out of pew rents would be either desirable or possible?—I have thought of that question very much indeed, and I will not hesitate to answer it to the best of my belief; I have not the slightest objection to tax the occupants of pews who are capable of paying, but I never would assent to any system that should leave the poor of England without a place to go to church.

"Q. 2602. And there would be great difficulties in any such tax as should not make it a beneficiary interest to the managers of churches to create as many pews and as few free seats as they could?—I am afraid it must be so; that is quite manifest; there is no difficulty in that proposition at all."

Sir, the borough of Tavistock, which I represent, figures in the report upon church rates. No church rate has been collected there for some time. But it is said, that the system of pew rents has answered there. Now, with the permission of the House, I will read an extract from a letter which I have received from the hardworking and most exemplary curate (Mr. Gibbons) of that place:—

"The Churchwardens find great difficulty in collecting the present pew rents. Some openly refuse to pay—the Vicar among the number; of course they keep their seats—and even if the system was fair in its nature, and unobjectionable in point of principle, it cannot be enforced, nor can any man be ejected for nonpayment. It is in fact, a voluntary payment, liable to all the evils of the voluntary principle in working out. It likewise leads to the enormous evil of people taking far more sittings than they require, as though the money were the only question, and accommodating other people nothing in the case. Its obvious tendency is to exclude the poor, for the sake of rental."

Sir, before I explain the principle of my own measure, I am especially anxious to draw the attention of the House to the real ground of the Dissenters' objection to the payment of church rates. That ground ought never to be lost sight of in the consideration of this question; it is this, that they entertain a conscientious objection to the payment of church rate, because it is levied to support the teaching of a church, which they believe to be untrue, and ceremonies of a church which they abominate. Now that this is the foundation on which Dissenters rest their claim for exemption is indisputable. Witness among other proofs the following:—

The questions and answers in the examination of J. Mellor Esq.

"Q. 2777. He is asked whether he believes that any remedy could be applied, which would give permanent satisfaction, unless it dealt with the conscientious scruples of Dissenters?—I think not; my belief is, that that is felt now very sensibly by a very great number of Churchmen, who are very extremely desirous of not having any more church rate discussions."

To the same effect are the questions and answers in the examination of J. Hodgkin, Esq., Q. 2980. The Rev. W. Selwyn is asked—

"Q. 3905. Has the opposition to church rates in your parish been from a conscientious objection in point of principle, or a question of amount?—Partly both, I think. They took an objection to the church rate proposed, because we had had 100*l.* given by a friend. That, you may say, was an objection in point of amount; but the greater objection has been raised, I believe, by Mr. Wright and his friends to the principle of church rates. They said it was an offence against their conscience."

The questions and answers in the examination of Mr. J. Manning, an Independent Dissenter residing at Orlingbury, in Northamptonshire, who is asked—

"Q. 4228. I believe you object on principle, to the payment of church rates?—Yes."

In the debate of 1834, I find that Mr. Daniel Whittle Harvey, who was a very fair representative of the sentiments of Dissenters upon this subject, expressed himself as follows. He asks—

"What are the objections of Dissenters? Not [he answers himself] the sum of money which they are called upon to pay, but, 'that as Protestant Dissenters they are called on to support a church, from the doctrines and discipline of which, or both, they conscientiously, disinterestedly, and unequivocally dissent?"

In the same debate Mr. Wilks, himself, I believe, a Dissenter, and the Member for Boston, said—

> "The principle for which the Dissenters contended was, that every man has a right to worship God according to his own conscience, and that he cannot, consistently with justice, contribute a doit to the support of a form of worship which his conscience condemns; and if any Dissenters did not act on that principle, they deserved the respect neither of the Established Church, nor of those to whom they professed to belong."—[3 *Hansard*, xxxij. 1031.]

And in 1837 Lord Brougham, after presenting many petitions in the House of Lords, observed—

> "It was on the ground that they considered the rate injurious to the interests of religion, as well as oppressive to them individually, and hard upon them conscientiously, that the great bulk of the prayers of the petitions were founded."—[3 *Hansard*, xxxvij. 557.]

Now, Sir, the Bill which I ask permission of the House to introduce, will remove entirely the objections of the conscientious, though it will not remove those of the political Dissenter. And next, I confess, to my pleasure at relieving the really tender conscience of the honest Dissenter, would be my satisfaction at defeating the machinations of the dishonest Dissenter, who made his conscience a pretext for political agitation, who desired the wound to be kept open, lest his subject for declamation should be taken away.

Sir, I propose that every Dissenter, on professing himself to be such, shall be exempted from the payment of church rate. It is said, "Ah! but how can you define Dissent?"

Sir, I have no intention of doing anything of the kind—my faculties are wholly unequal to the task—the difficulties of it are to me insuperable—but there is no such difficulty in my proposition. A person may surely say, "I am a Dissenter." I propose that he shall make that simple statement in writing. No conscientious Dissenter can say that any intolerable grievance is imposed upon him by requiring this declaration. I propose that this statement shall be kept by the churchwarden, and that a copy of it shall be evidence, in any court of law, of the exemption. I propose that a person who makes this statement, and who thereby obtains an exemption from any charge upon his property for the support and maintenance of the Church, shall cease to have the privileges appertaining to a member of that Church; that is to say, that he shall not be able to compel the clergyman to perform over him any religious rite. For, surely, it cannot be thought reasonable that a Dissenter shall at one and the same time say that he conscientiously objects to contribute to the maintenance of a Church because he dissents from her doctrine and her discipline, which are an abomination to him, and nevertheless insist that the Church shall be compelled, whenever he may think fit, to perform her rites in his behalf. Surely this is not a claim for liberty for yourself, but for tyranny over others. I further propose a mode whereby persons who have withdrawn from the Church sha be allowed to return to it. It has happened that persons who, in a moment of pique or from want of due consideration, have left the Church, have wished to return to her again. To these I would open wide the door; and I propose that, regard being had to the proper ecclesiastical authorities, and that under their sanction, a Dissenter, on signifying his wish to withdraw his statement, should be restored to the Church, and, of course, to all his former obligations. I also propose that a Dissenter claiming such exemption should cease to have any right to vote in vestry, or on any question relating to a church rate, or to the management of the property or affairs of the Church.

Then, Sir, with respect to the law and the administration of it over Churchmen. I do not propose any alteration in the former, because, after much consideration, I think the law itself has been made plain by many judicial decisions, and is in itself reasonable and wise.

By the existing law it is competent to the Churchwardens, without summoning a vestry to provide the bare necessities of divine worship, such as the bread and wine for the holy communion, and the washing of the minister's surplice. But for every expense which passes beyond this boundary, and partakes in the least of an extraordinary or an ornamental character, the previous consent of the vestry must be obtained; and it is therefore competent to the parishioners, if they please, to refuse the vote and prevent the expense being incurred. Subsequently to the consent of the vestry for any material addition or alteration, the certification of the bishop or ordinary, expressed by what is called the Faculty of his Court, must be procured; and, again, the parishioners may object to and be heard against the issue of this instrument—and this brings me to the reform of the administration of this law. The present state is very objectionable, owing to the expense, the delay, and the number of appeals, but these are accidental evils and not essentially incident to the ecclesiastical jurisdiction, which, greatly altered and improved, for reasons which I think ought to satisfy the House, I propose to retain. It has been proposed to substitute the authority of the magistrates at quarter-sessions for that of the Consistorial Court; but it requires a moderate acquaintance with the subject to see the unfitness of this tribunal. Objections to a church rate are not simply or principally to the amount; if they were, something might be said in favour of quarter-sessions; but objections are frequently made to the character of the subject-matter for which the rate is made. Whether the spiritual wants of the parishioners required the addition or the alteration—whether it tended to their edification, and in these days especially, when ornaments are often supposed to be symbolical of doctrine, surely these are questions proper for the adjudication of the Consistorial Court. I propose, therefore, that proceedings in a matter of church rate should be heard summarily and *vivâ voce*, and that there shall be only one appeal on a matter of law to the court of the province. With these improvements and alterations I think justice would be more cheaply, expeditiously, and properly done in the Consistory than in any other tribunal, unless, indeed, the House was prepared to say that, with no amount of reform, under no circumstance, and for no objects, however strictly ecclesiastical, should the Consistorial Court exist, but that the bishop should, without any legal intervention of the kind, deal with questions of this description. Otherwise, there is no assignable reason why the Consistory should not be made perfectly efficient, and when made so, it seems to me much better to retain the authority of this the proper *forum* over cases of church rate, than to transfer them to a wholly incompetent jurisdiction. How could magistrates at quarter-sessions decide whether an ornamental addition or alteration for which the rate was perhaps on principle objected to, was of a proper ecclesiastical character or not?

Such, Mr. Speaker, is the outline of my scheme of the Bill which I ask the House to read a first time. That the principle of it, namely, the exemption of persons from paying church rates who give up their claims of Church privileges, ought to satisfy Dissenters, cannot, I think, be doubted, and there is evidence in the Report which confirms this natural exdectation.

There cannot be better authority than that of Mr. Baines, of Leeds:—

"Q. 3356. (Chairman.) Will you state whether you think, that if church rates were abolished, churches would still be maintained in the agritural parishes?—I am fully confident that they would.

"Q. 3357. Should you, as a Dissenter, but yet interested in the maintenance of the edifices of the Church as public property, be disposed to give up those edifices entirely to the members of the Established Church?—I do not think I should feel justified in expressing an opinion upon a question of so much importance as that."

But being pressed he says—

"If you ask for my mere individual opinion and feeling, it would be certainly to give them up to the Establishment, and not to disturb the Establishment at all in the possession of them; that is my individual feeling, but I cannot speak for others. I know no feeling to the contrary of that, however, I may say."

Then there is the evidence of Mr. Offor to the same effect:—

"Q. 228. (Mr. A. Hope.) Have you remarked among those who you say, and I suppose quite truly, by the increase of knowledge raised a conscientious objection to paying church rates, any conscientious objection on their part to partake of what they would get in return for that church rate, namely, a refusal to be married in the church, or to use its burying ground?—Yes, very much indeed.

"Q. 229. (Sir D. Dundas.) In your parish?—In my own parish, and in others.

"Q. 234. (Mr. A. Hope.) All of your friends, I suppose, who are unwilling to pay church rates, are willing to give the *quid pro quo;* they think it reasonable and just, that if they are to be emancipated from church rates, the church also should be emancipated from religious services for Dissenters—those of marrying, baptising, burying, and so forth?—Certainly."

Mr. Burgess, the Rector of Chelsea, appears to entertain the same opinion.

But if the Dissenter has no right to complain of, but every reason to accept my measure, the Churchman will perhaps complain that I offer—such is the common phrase—a premium on dissent. I hope not. I hope that the Church of England has a firmer hold upon her people; if she has not, it is high time that she acquired it. It is possible that some nominal Churchman may leave her; but is the loss of such any real detriment to her? And is there no premium on dissent now? Does this existing state of things offer no argument in favour of the Dissenter?

But, Sir, I am well aware that in proposing such a reform as I have now had the honour of submitting to the House, I have exposed myself, not only of necessity to much criticism, but most probably to considerable censure and severe animadversion from certain quarters. For all this, Sir, I have laid my account. I cannot expect to escape the fate of far abler, wiser, and better men than myself, whose early endeavours to apply a remedy sufficiently powerful to cure an existing evil, have generally been derided and rejected in the beginning, though not unfrequently triumphant and adopted in the end. Sir, the task of finding fault is one which is easily and often readily performed. There is always something extremely consolatory and agreeable to our self-esteem in shaking our head, in confessing and deploring the existence of the malady, and after carping and cavilling at the remedy proposed, sitting down with perfect complacency and satisfaction, having proposed nothing whatever as a substitute for the remedy which you have condemned. The hon. Member for the Tower Hamlets is certainly not of that class of objectors; to him and to his supporters these observations can of course have no application. But with his Amendment I have already endeavoured to deal, and I will not weary the House with a repetition of arguments which, with whatever effect, I have already employed against it. There is, however, another class of objectors from whom I widely differ, but for whom I entertain sincere respect; they do not ackowledge the existence of any evil, or, at least, of any considerable evil, in the present law respecting church rates, and they are unable to conceive that this great boon —for such it unquestionably is—of entire and unqualified exemption from church rates, should be offered to Dissenters by any well-wisher to the Church of England; they consider the proposer of it a traitor to her cause and an enemy to her establishment. Sir, this imputation of disloyalty to the Church of England is one to which I am not ashamed to say I am extremely sensitive, not the least so, perhaps, because it carries with it an air of plausibility, and may, nay, doubtless will, obtain very general credence.

Sir, I can truly say, that while in my ability to serve the Church of England, I yield to most men, in my attachment to her I yield to none.

Nor am I, Sir, among the number of those who can contemplate without the profoundest alarm, the State stripped of that support to the maintenance of order, loyalty, morality, and religion, which she derives from the Church established within these realms. It is, Sir, because I am deeply convinced of the blessings which would flow from her extended influence, and of the evils which would accrue from her separation from the State; it is, because I am anxious to see her regain by legitimate—that is, by spiritual means, her empire over the hearts of the people, that I implore her to abandon this privilege, which, though it be unquestionably guaranteed to her by law, is not in accordance with the existing state of things around her; which brings discredit upon her teaching, odium upon her ministrations, and keeps alive a bitter spirit of party hostility to her institutions.

Sir, I have proposed this measure, because, in my conscience, I believe that it will tend to promote in this country that invaluable blessing—religious peace. Certain I am that it has been brought forward in this hope, and with no other object, by the individual who has had the honour of offering it to the attention of the House.

I think, Sir, that I may, without profaneness, apply to this measure (I am sure I may to the intention of its promoter) a portion of the beautiful language of that prayer of our incomparable ritual in which we invoke the Divine blessing—and long may we continue to do so—upon the proceedings of this House; and that I may designate it as a measure, ordered and settled upon those foundations whereby "peace and happiness, truth and justice, religion and piety, may be established within these realms," and, as I would fain hope—nay, as I would earnestly pray, "for all generations."

I move, Sir, for leave to bring in a Bill "to alter and amend the law respecting Church Rates."

MR. H. A. BRUCE seconded the Motion.

Motion made, and Question proposed—

"That Leave be given to bring in a Bill to alter and amend the Laws respecting Church Rates."

SIR WILLIAM CLAY said, that in rising to move, as an Amendment to the Motion of the hon. and learned Gentleman —the Motion with respect to church rates, of which he had, on the first assembling of the present Parliament given notice—he was happy to find that on one important point he had the support of the hon. and learned Gentleman. He seemed fully to agree with him (Sir W. Clay) as to the present discreditable state of the law; it would, indeed, be strange if, after the investigation by the Committee of 1851, there could be two opinions on the subject. The actual state of the law respecting church rates was so inconceivably bad, that the real difficulty in treating of it was to convey an adequate idea of its absurdity. From the very inception of a rate to its final payment, all was uncertainty, hopeless perplexity in every step—doubts which no authority can remove as to the result. Did they want to make a good law by finding out the extremest instance of a bad one? Take the law on church rates, they would have a perfect illustration of everything they ought to avoid. It is doubtful what is a good church rate; doubtful by whom it should be made; doubtful whether the making a rate can be compelled; yet more doubtful by what process, when made, payment of it can be enforced; most doubtful of all, whether by any process it be worth enforcing. When a suit for church rates is begun, nothing is certain, except the utter uncertainty of the decision. Nothing can with confidence be predicated as to the termination of the suit, except that if the parties to it are so minded, there is no reason why it should have any termination at all. The thing would be supremely ludicrous, but for the mischief it does to great interests, and the sufferings with which it is attended. Was he using exaggerated language? The description falls short of the fact. Truth goes beyond what fiction would dare invent. Jarndyce *v.* Jarndyce, and the celebrated report of Martinus Scriblerus of the case of the piebald horses, are dull and prosaic by the side of the history of the Braintree case. Dickens and Swift are tame compared with the "Term reports." The "Braintree case!" Did any hon. Gentleman think he was referring to an obsolete illustration? Having heard of it so long, did he imagine it was concluded? By no means. It is in its full vitality. It stands for hearing at this moment before the House of Lords. Having commenced in 1837, it is yet to be decided in 1853. He had spoken of the Braintree case as one; technically there are two, but substantially one only, the suits relating to the same subject matter, and arising between the same parties. Did the House recollect the circumstances of the case? They were well worth recalling for a moment. In 1837 the Braintree vestry postponed the consideration of a church rate for twelve months; in other words, refused it. The churchwardens levied one on their own authority, and it was resisted. The case first went to the Consistory Court. There it was confirmed. It went, "on motion for prohibition" (for reversing the decision of the Consistory Court), to the Queen's Bench. The prohibition was granted. The churchwardens appealed to the Exchequer Chamber. It confirmed the prohibition. But, in delivering the judgment of the Exchequer Chamber, Chief Justice Tindall had thrown out a doubt as to what might have been their opinion had the churchwardens, instead of acting quite alone, had with them a minority of the vestry. "The Court," he said, "would not give an opinion on that point, but reserved to themselves the right of having an opinion." Ill-omened words—fruitful as the dragon's teeth of strife. They were spoken in February, 1841. In that very year the war which rages still, began again. This time, of course, the churchwardens took care to have a minority of the vestry with them. Again the rate was resisted—again it went to the Consistory Court. There it was pronounced invalid. The case was removed, by appeal, to the Court of Arches, the judgment of the Consistory Court was reversed, and the rate pronounced good. It was again removed to the Court of Queen's Bench, the rate was pronounced good as before; the decision was appealed against, and the case once more carried to the Exchequer Chamber. The Judges in that court (by four to three, however, only), confirmed the decision of the Queen's Bench. Appeal was made to the House of Lords, before which the case, as he had said, now stands for hearing. Should their Lordships' decision confirm the judgment of the Exchequer Chamber and the Queen's Bench, the effect, he apprehended, would be, that the jurisdiction of the Ecclesiastical Court would be reversed; but, from the judgments of these Courts, appeal may be made to the Privy Council. Thus, after sixteen years of law proceeding, and the expenditure of thousands, Braintree has yet, perhaps, some few years to wait, before it be certainly known whether the church rate of 1837 was good or bad. But he might be told, there was no necessity to resort to the Ecclesiastical Courts—that by the 53 *Geo.* III., c. 127, it was provided that any case of church rates under 10*l.* might be heard and determined by two magistrates. Yes; but that statute also provided that if the validity of the rate was denied, the jurisdiction of the magistrates was ousted, and no remedy left but a reference to the Ecclesiastical Courts. In fact—and as if no element of absurdity was to be wanting to the present state of affairs—although, upon the whole, it would seem to be the prevalent opinion among the sages of the law that there was, at common law, an obligation on a parish to maintain the fabric of the Church—it was agreed on all hands that there was no process known to the law by which that objection could be enforced. The result was such as might be expected. After long and fierce contests—contests in which the ordinary bitterness of party strife was enhanced by the addition of religious zeal—the law was frequently and successfully set at defiance. It was widely disobeyed, and disobeyed with impunity. Oppressive to the weak, it was resisted by the powerful. In many of our largest towns all attempts to levy church rates had been abandoned. In Leeds, Bradford, Huddersfield, Wakefield, Halifax, Manchester, Leicester, Nottingham, Bath, Tavistock, Birmingham, and he believed others, no church rate was levied. Occasionally one was agreed to, on the understanding that no one was to pay unless he wished it. But while, in communities where Nonconformists are numerous and wealthy, the vexations arising from church rates have been got rid of—in communities where the opponents of the impost for conscience sake are few or poor, those vexations abound. Many cases had been put into his hands of distress levied, under the statute to which he had referred, on persons who shrank, not unnaturally, from carrying their resistance into the Ecclesiastical Courts. He might mention one of recent occurrence at South Shields, in which, for rates amounting to 5*l.* 12*s.* 3*d.*, goods were seized of the value of 67*l.* 10*s.*; the money returned after the sale to some of the parties was 6*l.* 7*s.* 3*d.*, while, from some others, balances amounting to a few shillings were yet claimed. He did not think it necessary, however, to detain the House by stating these cases in detail: they were the same in substance as cases with which the House was already familiar, differing only in the more or less of suffering for conscience sake. No man, he trusted, would speak lightly of those sufferings, or seek to turn into ridicule those who have been called candidates for cheap martyrdom. At the bottom of the vast majority of these cases of resistance, lie deep and conscientious convictions. They are the manifestations of that spirit which has made us what we are as a people. And if in some rare instances the resistance has been prompted by less worthy motives—if there have been pseudo martyrs, why did they permit a state of things to continue in which resistance to the law can be made matter of profitable speculation? That law stands self-condemned which is widely disobeyed, and to which disobedience is popular. Law in a free country should be but the expression of enlightened public opinion. It will want, otherwise, its best, its only efficient sanction. The sympathy of the people should be with those who enforce, not with those who violate the law. Before closing his observations on the legal character of church rates, he would beg leave to refer for a moment to a point on which stress had been sometimes laid, although he did not himself consider it of much practical importance—he alluded to the question whether church rates were to be viewed as a tax merely, or as a perpetual obligation on property, and, therefore, savouring of the nature of property. On this point they were already in possession of the opinion of one who was, as would scarcely be disputed, if not the very highest, among the highest living authorities on the laws of England—he referred to the Lord Chief Justice of the Queen's Bench, who, in a letter to the Earl of Derby (then Lord Stanley), published in 1837, lays it down distinctly, that "the church rate never was a charge upon the land; and in this respect as well as others, is clearly distinguishable from tithes, which can in no respect be considered a tax, or a tender, or a payment by the occupier of the land of anything that ever was his." To this distinct and positive opinion must now be added that of Dr. Lushington, Judge of the Admiralty and Consistory Courts, equally entitled to be considered among the very highest living authorities on questions of civil law. The whole of the evidence given before the Committee of 1851, by this learned Judge, and most clear-headed, able, and upright man, is completely decisive as to church rates being a personal obligation—a personal tax—any reference even to the value of the holding of the persons legally subject to the tax, having arisen merely from the insuperable difficulty found, as in the case of poor-rates, in ascertaining their "ability;" in other words, the real amount of their property, without regard to whether it were real or personal. He (Sir W. Clay) would beg the attention of the House to the emphatic language in which Dr. Lushington gives a summary of his opinion on the point. In answer to Question 2,389—

> "Do you wish the Committee to understand that church rates would at any time be regarded as a poll tax?"

The right hon. Gentleman replied—

> "Certainly they were of that nature, and it is obvious they were, because, where there has been a charge on land, as in the case of tithes, there has always been a power of distress, and seizing the lands; but though, since the time that any church has been appropriated, or impropriated, the impropriator is bound to repair the chancel, you cannot seize the rectory, or have a distress against the property. That has been decided by the courts of common law, upon the very grounds that I am stating—that it was a tax *in personam*, and all you could do was to put the impropriator into prison, but you could never take his property. I take it that the whole question with reference to that is completely settled, whether it be a charge upon property, or upon the person in respect of property."

And were not the opinions of these eminent men consistent alike with common sense and notorious facts? Church rates have every quality of a tax; none of the qualities nor attributes of property. They may or may not be levied, they spring into existence from necessity, and their amount is measured by that necessity. They are incapable of any form of conveyance, they belong to no person, no man has any beneficial interest in them. How widely different in this particular from tithes, to which it has been attempted to liken them! Tithes, whether in the hands of a clerical incumbent or an impropriator, are an absolute tangible property. They are capable of assignment, of sale, of settlement, of bequest. With respect to that portion of them still connected with the cure of souls, and which remains in the hands of the State or of the great ecclesiastical corporation, men may differ as to the best use to which they could be devoted, but no honest man can assert that, if they ceased to exist to-morrow, he would have any greater claim to the remission of any portion of the corn rent, for which they have been commuted, than he would to an equal amount of the national debt. But, if this be so, the whole argument founded on the contrary assumption falls to the ground. It had been said, that there was no claim to the remission of church rates, because every man has acquired his property subject to its obligation. But if this argument be good against the remission of church rates, it is equally good against the remission of any other tax. Take the window tax, for instance; nine-tenths, probably, of the owners of houses in London, and the great towns of the country, had acquired their property since the imposition of the window tax. Was that ever considered a sufficient reason against its remission? The corn laws, indeed, were perhaps even a still stronger case in point, as creating a tax under the operation of which so large a portion of existing social arrangements had been framed; and in the maintenance of which one class of the community fancied they had a distinct interest. In his (Sir William Clay's) opinion, those were but dangerous friends to the Church who contended for the identity of character of church rates and tithes, or attempted to place on an equal footing her title to the two. But were it otherwise—were the arguments on this point less conclusive—would the members of the Church act either generously or wisely in seeking too curiously for reasons to excuse their maintenance of church rates; of an impost felt by so large a portion of their fellow-citizens, as a grievous wrong, as repugnant alike to the principles of civil and religious liberty? And were they not justified in this feeling? In their origin church rates were a just tax. When all were of one religion, all might be justly called on to contribute to its support. They were still capable of logical defence, when the whole people were assumed to be, although in reality they had ceased to be, of one faith. The former description applied to church rates before the Reformation, the latter applied to them long after the Reformation. For it must not be supposed that when we ceased to be Roman Catholics, we became really Protestants. Ages passed before we understood the real import and significance of our glorious creed, before we comprehended the full meaning of the term "religious liberty." Henry maintained his infallibility by arguments as sharp and convincing to recusants as the Pope himself. Elizabeth was scarcely more tolerant of difference of religious opinion than her bigot sister. In another and somewhat milder age, the Star Chamber made short work of dissent; and those even by whom the Act of Uniformity was revised, and the

Test and Corporation Acts exacted or maintained, might still, with some show of reason, object to the abrogation of church rates, as the remission of a penalty on that perversity of opinion, which they still visited, as an offence, with legal disabilities. But what is now the character of church rates? Just in the fifteenth century—logically defensible in the sixteenth and seventeenth—not without excuse in the eighteenth, they are worse than an absurdity in the nineteenth. Step by step, slowly and reluctantly, it is true, but still always advancing, we have relieved dissent of every legal disability, and raised our nonconforming fellow-citizens to the same level of civil rights with ourselves. We have done more—we have acknowledged their forms of religious worship and ministration to be of equal efficacy with our own, in their bearing on the most important relations, in the most solemn occasions of social life. We take legal note of their places of worship—we do not hold it necessary that they should, on any occasion, enter our sacred edifices. We recognise Dissenters, fully and completely in their religious as well as in their civil capacity; but when it comes to the payment of church rates, we ignore their existence with a disdain as lofty as Laud himself could have manifested. Can greater wrong or folly be conceived? How can we account for its existence? Is it, as the noble Lord the Member for London said, recently, that the spirit of bigotry, condemned to abandon the more congenial and exciting amusements of the fagot and the rack, still clings to the milder forms of persecution which the manners of the age yet endure; or is it, that we are base enough to desire that our churches shall be kept up at the expense of those, whose perfect right we have admitted, never to enter within their walls? But if this be so—if the appetency of pecuniary gain—mingle in any degree with the resistance to the abrogation of church rates, then it falls in the scale of moral feeling, as compared with honest bigotry: the resistance to the repeal of the Test and Corporation Acts, becomes noble and dignified by the contrast. That such a state of things should be longer endured, was impossible. It would be an affront to Parliament to suppose that it would so far linger behind public opinion, as to permit the continued existence of laws so little in accordance with the spirit of the age. But what should be the character of the remedy? He (Sir William Clay) had ventured to propose a remedy; another was before them, in the Motion of the hon. and learned Gentleman. Before explaining the grounds on which his own proposition rested, it was incumbent on him to comment on the plan of the hon. and learned Gentleman. That plan was—and the hon. and learned Gentleman would correct him if he misstated it—that church rates should still continue, and the payment of them be enforced by process in the Ecclesiastical Courts, but that Dissenters might relieve themselves of the payment, by declaration before the churchwardens, that they did dissent from the Established Church. But this mode of settling the church-rate question had been already more than once before the House, and as often rejected. It is the precise scheme embodied in the Bill which the hon. Member for Finsbury moved for leave to bring in, in 1840. On the 11th February of that year, he moved for leave to bring in a Bill to relieve Dissenters from payment of church rates. He proposed that Dissenters should declare before a magistrate as follows:—

> "I. A. B., do solemnly and sincerely declare that I am not of the communion of the Church of England as by law established, but I do dissent therefrom; and I do solemnly declare that on that account I object to the payment of church rates, that I do not do so from any pecuniary or interested motives, but for the sake of my conscience only."

On this declaration being made, the magistrate was to be bound to grant a certificate which might be pleaded in bar to any action or suit, citation or summons, for the payment of church rates. The Motion was lost by a majority of fifty-five, the numbers being 115 against 62. It is in substance all the plan contemplated in the Amendment proposed by the present Vice-Chancellor (then Mr. Page) Wood, to Mr. Trelawney's Motion for the abolition of church rates in 1849. That Amendment was to the effect—

> "That Dissenters should be discharged from the charge by law established of contributing to church rates, and from taking any part in the levying, assessing, or administering the same."

This Amendment, although brought forward by a man highly and deservedly respected by the House, met with but little support—twenty Members alone having voted for it on division—Sir Robert Peel, Sir George Grey, and Lord John Russell having all expressed themselves strongly against it. The objections to the scheme are indeed so obvious, as well as so strong, that he

(Sir W. Clay) only wondered the hon. and learned Gentleman should have thought it worth while to bring it again before the House. Its necessary effect would be to introduce ill-will and unfriendly feeling into every parish in the country—its inevitable tendency to widen and perpetuate those religious differences which it should rather be our aim to soften or obliterate. The very fact of classing all the inhabitants of a parish in distinct categories, as regards their religious opinions, would of itself be an insufferable evil. It would have the effect of forcing asunder those who were scarcely aware that they differed—of compelling, in innumerable instances, men to define, probably to exaggerate to themselves, disagreements with their neighbours on religious questions of which they were scarcely conscious. By what test, moreover, would the hon. and learned Gentleman ascertain the validity of the claim for exemption from church rates? Would he forbid any person who has registered himself as a Dissenter, under this Bill, from ever entering the parish church? Would he inflict a penalty on him for so doing. Was the parish beadle to stand at the door and warn him off? or if he entered the church, would he be liable to a suit in the ecclesiastical courts? Then, again, it was the head of the family who was to make the declaration. Supposing the head of a family declared himself a Dissenter, would the hon. and learned Gentleman prevent the members of his family going to church? [Mr. PHILLIMORE: Certainly not.] Then an ingenious man might send his family and his friends who lived with him to church, and himself stop away and escape paying. But the hon. and learned Gentleman said he would reserve a *locus pœnitentiæ;* he would enable a man on going before the churchwarden and paying the rate to again enter the Church. An astute person might, therefore, register himself as a Dissenter, when a heavy repair to the parish church was impending—a new roof for instance, and as soon as that was completed—if there was no prospect of more than a trifling rate for many years—again declare himself a member of the Church. Could anything equal the absurdity of such a system? There were the gravest reasons for doubting whether such a plan would, on other grounds, be acceptable to the lay members of the Church. Perfect contentment prevailed where church rates were abolished, while it should not be forgotten, that in places where new churches had been erected from private funds, those who had erected them, and even invested a fund for their maintenance, were still liable to church rates for the maintenance of the parish church in all places, he believed, for twenty years, and in some, in perpetuity. Dismissing, then, not only as inadequate, but as impracticable, the measure proposed by the hon. and learned Gentleman, what is the course expedient for the House to pursue in a case which is admitted on all hands to call imperatively for legislative action? He ventured to believe that it was indicated in the Amendment he had proposed. By that Amendment the House was called upon to declare, first, that church rates should be wholly abolished; and, secondly, that other specified provision should be made for the repair and maintenance of parochial churches and chapels in England and Wales. The first part of the Resolution pledged the House to the total abolition of church rates. He had no hesitation in declaring that with that mere abrogation he would himself, as a member of the Church, be satisfied. He had the most profound conviction that its tendency would be to strengthen, not to weaken, the Establishment. Nor did he doubt for a moment of sufficient funds for the support of the sacred edifices belonging to the Church of England, being contributed by members of her communion. To entertain such a doubt would, in his opinion, be disgraceful to them beyond the power of language to express. What! when they were relieved from the charge of maintaining the ministers of their own communion; when those ministers were the most richly endowed religious teachers in the world; when they already exclusively possessed land — the noble churches erected by their ancestors—would they hesitate to contribute the miserable sums required for the mere maintenance of those churches? He fully believed that the members of the Church did not deserve so injurious a suspicion. Let them look around. They could see, not in London alone, but throughout the country, more new churches raised within twenty years than for centuries, probably, preceding. How were these built and maintained? In the very large majority of cases, by the zeal and munificence of individuals. He might cite numberless instances; but he had not been able to obtain any statistics applying to the whole country, and he should only do injustice to the members of the Church by imperfect statements in corroboration of a fact which, after all, would not, he apprehended, be denied. He would venture, however, to detain the House for one moment by referring to a very striking illustration of the strength of the feeling to which he had adverted. Mr. E. Baines, before a Committee on church rates, 1851, stated—

> "A. 3,128. On the authority of Dr. Hook, that since church rates had been refused in Leeds, the parish church had been rebuilt at an expense of 30,000*l.*, six new churches consecrated, thirty-seven schools built for 10,000 children—at a total expense of 100,000*l.*"

He could not refrain from also citing the evidence of the same most respectable gentleman, as to the extent to which Dissenters in the same town had discharged duties of a like kind:—

> "A. 3,193. Congregation to which witness belongs has for several years raised about 670*l.* per annum for the maintenance of its minister, fabric, and worship, besides paying 14,000*l.* for the building of its chapels and schools, and besides 1,270*l.* a year for missionary and other religious objects, making a total in ten years and a half of 35,309*l.*, being a yearly average of 3,363*l.*
>
> "A. 3,188. Assume as a low average that by Dissenting congregations 80*l.* per annum may be spent for the maintenance of the fabric, the minister, and the expenses of worship, amounting on 14,300 chapels to 1,147,200*l.* per annum.
>
> "A. 3,195. Throughout England there are county associations, in which the richer congregations subscribe to assist the poorer village congregations."

He should, then, as he had stated, be himself perfectly prepared to abolish church rates, without providing any substitute, in the full confidence that the only result of such abolition would be to stimulate the zeal of the members of the Church. He had, however, in compliance with the opinions of many who, although as warm advocates as himself for the abolition of church rates, yet thought that some substitute should be provided by law, included in his Resolution the suggestion of such a substitute. He had done it the more willingly, as he conceived that the substitute he proposed was not only unobjectionable in principle, but easy of application—ready, indeed, at hand. He might also add, that no other was practicable. No one, he apprehended, would now think of substituting for church rates a charge on the general taxation of the country. It would be in the recollection of the House that the measure brought in by Lord Althorp in 1834, for charging the land tax with 250,000*l.* per annum, for maintaining the fabrics of churches and parochial chapels, was abandoned on the just ground, stated by those whom it professed to relieve, that it contained the very same objectionable principle as church rates themselves. Sir Robert Peel, in his statement of intended measures in 1835, after saying that the church rate question ought not to remain in its present state for another twelve months, intimated his intention of charging the repairs of churches. &c., on the Consolidated Fund; but in the debate on Mr. Trelawney's Motion in 1849, he did not any longer consider that such a plan would be expedient. In 1837 the Government of Lord Melbourne, feeling strongly the necessity of setting the question at rest, brought forward a plan of a different character. In that year Mr. Spring Rice (now Lord Monteagle), being then Chancellor of the Exchequer, moved on the 3rd of March, 1837—

> "That it is the opinion of this Committee, that for the repair and maintenance of parochial churches and chapels in England and Wales, and the due celebration of divine worship therein, a permanent and adequate provision be made out of an increased value given to Church lands by the introduction of a new system of management, and by the application of the proceeds of pew rents—the collection of church rates ceasing altogether from a day to be determined by law."

This Resolution was carried, in a very full House, by 273 to 250; and the sanction of the Commons of England, thus given to the principle which he ventured to propose to the House now to reaffirm, and as he hoped, under happier auspices. The opposition then offered to the plan proposed occasioned its abandonment; but he could not persuade himself that the opposition would be renewed. Since 1837, the reasons for the settlement of the question have become more urgent, and the facilities greater. The discreditable and inconvenient state of the law has become more notorious, and the evasions of it more frequent. It can be no longer urged, as was urged by the hon. Baronet the Member for Oxford, in 1837, that the cases of successful resistance to a rate are few. Those cases now comprehend no inconsiderable portion of our large towns and populous parishes. But again—and that was a far more important consideration—they were now aware of the extent—the hitherto unsuspected extent—to which the classes not in communion with the Church had provided places of worship for themselves, rendering still more striking, of course, both the injustice of, and little necessity for, church rates. On this head he would refer the House first to the evidence given by Mr. E. Baines before the Committee of 1851; and no one could read that evidence without feeling how fully it was entitled to credence:—

> "A. 3,176. The Nonconformist chapels in England and Wales, of all denominations, are 14,340, of which there were 597 Roman Catholics; the preaching stations in villages having either schoolrooms or hired rooms, were 7,472; none of these latter were Roman Catholics. Mr. Baines assumed the number of parochial churches and chapels to be 14,000.
>
> "A. 3,221. Mr. Horsman said, in the House of Commons, in 1847, the number of churches was 13,147, and from the rapid increase since, he assumes them now to be above 14,000. This calculation is completely confirmed by the recent return by the Registrar General, of the number of Dissenters places of worship. There were certified from 1688 (date of passing of the Toleration Act, 1 *Wm.* and *Mary*, c. 18) to 1852, total, described as 'temporary and permanent' together, 54,804.
>
> "Note. The materials from which the return was prepared do not afford the means of distinguishing disused places from those which are still existing."

But at the census of 1851 returns were obtained by the Registrar General from upwards of 20,400 places of worship then existing, and not belonging to the Established Church, of which number nearly 17,000 were stated to be "separate" buildings, the remainder being either described "as not separate, or not described at all." We have thus returns that can be relied on, showing that the religious classes not in communion with the Church have provided places of worship actually outnumbering, although they may not be of equal capacity, the churches and chapels of the Established Church. He did not know that any language can add strength to the argument which the bare statement of these figures affords. The eminently religious and conscientious men who constitute the great nonconforming classes have erected from their own funds more than half the entire number of places of divine worship throughout the land; and they—the members of the Established Church, comprehending the wealthiest classes of the community (he omitted for the moment all reference to the wealth of the Church itself)—are sufficiently dead to the claims of dignity, of honour, of common honesty—he must use the word—to permit them to pay for the maintenance of our places of worship likewise. But if the reasons for abolishing this unjust and odious impost have become stronger, the facilities for its abolition have increased in a yet greater ratio. Doubts were thrown out in the debates of 1837 of the sufficiency of pew rents as a resource for the maintenance of churches and chapels: the whole experience of the years which have since elapsed show that doubt to be groundless. It was found that in the metropolis, and in all the large towns of the kingdom—almost universally, he believed—wherever new churches had been erected, large revenues might be derived from pew rents. The public mind was familiarised with the revenue so derived being applied to defray the expenses incident to the performance of divine service, and there could not be a doubt but that from such revenue, wherever it existed, those expenses would be cheerfully defrayed. He might add, that there was an exact precedent for so charging them, in one of the Church Building Acts, 1 & 2 *Will.* IV., chap. 38, s. 16. A large portion of the debates of 1837 consisted of statements and counter statements as to the sum that might be available for the better management of church estates. This doubt also is conclusively, and indeed authoritatively, solved. In an address from certain prelates, members of the Privy Council, and others, members of the United Church of England and Ireland to Her Majesty, on the subject of Church extension, signed by the Archbishops of Canterbury and York, by seven Bishops, and by many Privy Councillors, Members of Parliament, and others, in all 107, they say, "It is also shown that by a better system of managing Church property, not less than half a million per annum might be obtained in the course of a few years, for the support of the additional clergymen which our crowded towns and widely extended parishes require." They refer, as authority for this statement, to the two reports then recently issued by two Royal Commissions. One, appointed to inquire into the state of the property of the Church (Report, January, 1850, of the Episcopal and Capitular Revenue Commission); the other, into the means of increasing its efficiency (Second Report, May, 1850, of the Commission for inquiring into the practicability of the Subdivision of Parishes). If he were told that in the same address it is recommended that the surplus thus stated to exist should be applied to the extension of church accommodation, he would reply in the language of the noble Lord the Member for London, to a similar objection raised against the Government plan of 1837:—"The Commissioners recommend that 15,000*l.* a year should be given to the Archbishop of Canterbury, and 10,000*l.* a year to the Bishop of London, for the sake of supporting the dignity of the Church, and for the maintenance of the hierarchy. Why, if this were the opinion of the Church Commissioners—and I humbly bowed to that opinion—if it were their opinion that the demands for spiritual instruction were great, but, great as they were, that they should be postponed, for the sake of providing what might be considered a munificent income for the hierarchy—if the Church Commissioners say this, is it not to be permitted to us, simple as we are, while we admit that the spiritual demands for the instruction of these uninstructed millions are great, also to feel that the demands which are made on us for the establishment of religious peace are of a most urgent description, and that we are as fully entitled to provide for that object as the Church Commissioners are entitled to provide for the dignity of the hierarchy and the patronage of the clergy?" It would be easy, looking at events sufficiently notorious which have since occurred, to carry further this argument *ad verea cundiem*, so forcibly urged by the noble Lord. It would be easy to create a smile, perhaps to arose feelings, which smiles do not express, by referring to claims to retain yet larger incomes than those which the Commissioners allotted to the episcopal office—to vast sums spent on episcopal palaces—to princely establishments for sporting purposes, which sound oddly as appendages to the household of a successor of the meek and lowly apostles. But he would prefer to rest the claim to apply this surplus to the extinction of church rates on the broad ground of justice. If, having a surplus revenue, they applied that surplus to building new churches, still levying church rates for maintenance of those already built, they were guilty of an act of oppression and wrong as great towards Dissenters, as if by Act of Parliament they took from them a sum expressly, and in terms, for building churches. It was merely spoliation in disguise. He had shown, upon authority not to be disputed, that a surplus from church estates might be obtained twofold greater than was ever supposed it would, in addition to pew rents, be necessary to provide for the extinction of church rates. The dignitaries of the Church themselves estimated that surplus at 500,000*l.*; it would probably be much larger. Lord Althorp had only asked for 250,000*l.* No reliable information existed as to the amount of church rates actually levied—it probably did not exceed 400,000*l.* per annum; with what could certainly be taken from pew rents, 250,000*l.*, would be more than ample for the extinction of the tax. Would the House hesitate as to the justice and expediency of calling on the Church for such a contribution? The hon. Baronet concluded by saying that he should leave the Resolution he had had the honour to propose in the hands of the House, with the earnest prayer that it might not lightly be rejected. Of the urgent, the imperative necessity for legislating on the subject, none could doubt. His had been but the humble task of recalling to the recollection of the House the considerations drawn alike from reasoning and experience that bear upon this question; but were not those considerations of overwhelming weight? Condemned alike by justice and by policy, resisted by the powerful, oppressive to the weak and humble, repugnant alike to the principles of civil and religious liberty, injurious to the best interests of that Church for the maintenance of which they were retained—church rates could not long remain part of the laws and institutions of the country. He would venture to assure the Government that by the abolition of this odious, unjust, and injurious impost, they would earn a fresh title to the respect and gratitude of the great Liberal party throughout the country, and establish a lasting claim to the confidence of all to whom the principles of religious liberty were dear.

MR. PETO said, that as a Nonconformist he had much pleasure in seconding the Amendment; and he regarded it as a happy omen for the progress of enlightenment and liberality that both the original Motion and the Amendment should have been introduced by Gentlemen who were consistent and conscientious members of the Established Church. The supporters of any description of tax ought, in his opinion, to be prepared, to show that it was a good public tax; but with regard to church rates, neither in their origin nor in their effect could they be considered to answer that description. At the first establishment of church rates the inhabitants of this country were all of the Roman Catholic persuasion. Dr. Lushington had admitted that the existence of Dissenters had introduced an entirely new element, and one which did not exist when the impost was established; yet these rates had been carried down to the present time, although the tax was unequal in its character, and unfair in its working, inasmuch as it compelled all to contribute for the benefit of only a part. The Dissenters objected to this tax, on the ground that they had 15,000 congregations, and that they raised a sum exceeding 1,400,000*l.* for paying the stipends of their ministers, and defraying the expenses of their chapels; and they considered it unfair to be compelled to contribute towards the support of a minister of another denomination. The only argument in favour of church rates was, that all persons derived good from the beneficial influence of the ministers of the church. Well, he admitted that most cheerfully; but surely the Dissenters were justly entitled to reply, "We admit the benefits, but we find an equal number of ministers doing the same work whom we pay for doing it; and it is hard to compel us to pay for yours at the same time." Some of the most distinguished statesmen of the day had declared against the tax; and in 1837 the Earl of Derby, speaking upon this subject, said, "I am ready to acknowledge that church rates, as they stand, form to the Dissenters a serious and substantial grievance." The Quakers had objected to pay this tax; and it had been said that they refused to pay a tax upon property which they bought, knowing it to be liable to that tax. Church rates, however, were not a tax upon property. Dr. Lushington, one of the highest ecclesiastical legal authorities, had distinctly stated that the tax was a personal tax. To a candid and conscientious Churchman, the fact was, that the operation of that tax was simply compelling one man to support another's creed, and that the creed of the imposer of the tax: this must present an unpleasant aspect In case of refusal to pay the tax, several warrants were issued in the same case, thus materially increasing the fees. In consequence of the defective state of the law, cases which had been decided by a magistrate had been carried to other courts, and had been productive of great misery in the parish where they originated. To take the Braintree case—suppose that the Lords should decide that a minority should have the power of making a rate, the necessary consequence will be the abolition of all vestries; but, if not, then church-rate agitation will awaken a perpetual civil storm. Dr. Lushington had expressed a decided opinion that great evil arose from the present system of church rates; and he (Mr. Peto) was sure that the House would feel that there was good ground for legislation on this subject. Experience proved that church rates were not indispensable for keeping the churches in repair. In many places a rate had been discontinued for many years. There had been none in Bradford for 12 years, in Halifax for 16, in Huddersfield for 16, in Sheffield for 32, and Wakefield for 7; and no difficulty had been experienced in keeping the churches in repair. The rate had been abolished in Birmingham, Leicester, Nottingham, Newcastle, Stockport, Rochdale, Plymouth, Brighton, and many other towns; and it might equally easily be abolished altogether. Another instance of the non-necessity of church rates, and the power of the voluntary system, might be drawn from the increase of chapels and churches in the manufacturing districts of Yorkshire, Lancashire, Cheshire, and Derbyshire, connected with the Church of England. In the year 1800 in those districts there were 178 chapels and churches, containing 176,752 sittings, while in the year 1843 there were 383 chapels and churches, with 377,104 sittings. Out of these, 205 chapels, built during the course of 13 years, 57 only were built by Parliamentary grant, while the remaining 148 had been erected by voluntary contributions. In the year 1800, there were, belonging to other denominations, 228 chapels, containing 135,036 sittings; and in 1843 these had increased to 1,258, capable of holding 617,479 persons. Thus, there had been an increase in the number of chapels of 1030, and, accommodation provided for 482,443 additional persons. He would now refer to a particular instance of the amount of agitation and consequent ill-feeling produced by church rates, in the instance of Tavistock. Church rates were opposed in 1833, when an adjournment was carried, and again in 1834. In 1838 the vicar took the chair, and refused to put the amendment against the rate; and although he was in a minority of 14 against 200, he made the rate. In 1840 and 1845, attempts were again made without success to levy a church rate. The resolution was negatived by 150 votes against 2, and a poll was demanded, when it was refused by 286 against 36. Among the opponents of the church rates who were Churchmen, there was a clear majority of 20 over the friends of the rate, so that the rate was refused by Churchmen. The vicar then applied to the voluntary principle, and with so much success, that 2,600*l*. were raised by voluntary offerings for the repair and beautifying of the church, to which sum a great many of the vicar's dissenting friends contributed most liberally. The vicar was asked by the Committee upstairs, "Do you think it possible that a church rate could be raised in Tavistock?" To which he replied, "No; it is quite impossible." He (Mr. Peto) wished that the hon. and learned Member for Tavistock had consulted the vicar of that borough instead of the curate. But it would be said, "Parliament is not prepared to trust the voluntary principle, although you may be." The hon. Member (Sir W. Clay) had then pointed out two modes of raising the amount required: firstly, by pew rents; and, secondly, by the improvement of Church property. There were many churches in London now supported by pew rents, among which he might mention the churches in Woburn Square, North Audley Street, St. Peter's, Pimlico, Hanover Church, Regent Street, three churches in Marylebone, and Dr. Burgess's Church in Chelsea. The Rev. Dr. Dale, of St. Pancras, found no difficulty in the absence of a church rate. New churches were rising in every direction—no church rate was necessary for their support; and voluntary appeals for the maintenance and support of these churches were responded to with kindness and without difficulty. The Rev. Mr. Bickersteth, the excellent minister of St. Giles's, could bear the same testimony. He had eleven Scripture readers going round in his parish, and he found no difficulty in getting preaching rooms, and in obtaining the voluntary assistance of his parishioners in carrying out his views. Another means of raising money was by the improvement of Church property. Upon this point the House were called upon, if they wished to protect and preserve the Church of England, to take immediate legislation; and if hon. Members were anxious to stop the torrent of dissent, about which so much alarm was felt in some quarters, they could find no better way of doing so than by giving their support to the Amendment of the hon. Member for the Tower Hamlets. The House might be assured that to Dissenters —many of whom differed in no respect in doctrine, but only in points of ecclesiastical polity from the Established Church—it was most painful to see prelates of that Church charged, in the most influential paper in Europe, with things which, left undenied as they were, would exclude a merchant from the Royal Exchange. This the Dissenters felt to be a stigma on the faith which was common to all Christian sects. If the noble Member for London (Lord John Russell), who had already so distinguished himself in the cause of religious liberty, would yet further distinguish himself, he might do it in a manner which would not readily be forgotten, by reforming the Church with no sparing hand, and by employing the vast sums thus placed, as it were, at his disposal, in the erection of places of worship in those districts—and they were not a few—which, notwithstanding the liberality to which he (Mr. Peto) had already referred, were still almost spiritually destitute. He would venture to say, that when the Dissenters saw the members of the Church take the course which, in truth, was the only one to preserve it, then they would be found to have no wish to place the hand of spoliation upon its property. The prelates to whom he had adverted were members of the Society for the Propagation of the Gospel in Foreign Parts. Now, in Calcutta, there were eleven native printing presses at work, which spoke to 200,000,000 of our fellow-subjects, and the conduct of these prelates of the Established Church was held up in these publications as reasons why Hindoos should continue steadfast in their faith, and not adopt Christianity. That these arguments were not without effects the following facts would testify—that in one town of India a wealthy native had given 80,000*l*. to build an idol temple, and a native of Calcutta had given 150,000*l*. for a similar purpose. Could it be that Christianity, which ought to guide and influence all our actions, was unable to accomplish what these Hindoos were willing to do for the maintenance of their religious faith, while some of our prelates were doing things which brought a blush of shame to all who professed Christianity? The Dissenters wanted nothing from Churchmen; they only asked to be left to do their own work in their own way. They asked, that Prelates who received three times the salary of Prime Ministers should not be left to administer Church property, but that it should be placed in the hands of laymen, who would devote a portion of the surplus to the objects adverted to by the hon. Member (Sir W. Clay), whereby the prelates of the Church would be relieved from charges which were painful alike to Churchmen and Dissenters.

Amendment proposed—

> "To leave out from the word 'That,' to the end of the Question, in order to add the words 'this House do resolve itself into a Committee, to consider whether Church Rates should not be abolished, and provision made for the charges to which such Rates are at present applicable—from Pew Rents, and from the increased value which inquiries instituted by authority of the Crown have shown may be derived, under better management, from Church Lands and Property,' instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. COLLIER said, he felt extremely indebted to the hon. and learned Member for Tavistock. His speech showed that the reforming spirit had at length penetrated into the regions of Doctors' Commons—a spot long held sacred from such an intrusion. But while thus far he gave the hon. and learned Member his thanks, he was bound to say that he thought that his proposition did not go far enough, and that the proposition of the hon. Member for the Tower Hamlets (Sir W. Clay) was more suited to the exigencies of the case. Undoubtedly of all the taxes levied in this country, church rates were the most objectionable. In the first place, they were levied upon all for the benefit of the few; they were uncertain with respect to the property on which they might be levied, and the purposes to which they might be applied; and they were enforceable only in the worst courts of the country, where the method of proceeding was tedious, expensive, and dilatory, and calculated to tax to the utmost the funds of the suitors and the patience of the public. Not only did they awaken the natural repugnance of the human species to pay money in any shape, but they exacted payment by the most odious of all processes—an injury to the conscience of him who paid. They were not conformable to the spirit of the British constitution. They had high legal authority — that of Blackstone—to show that originally the repairs of the church were provided for out of the tithes, which were divided into four portions—one for the repair of churches, another for the maintenance of the bishops, a third for the support of incumbents, and the fourth for the poor. In the process of time, however, the ecclesiastics appropriated to their own purposes the funds which should have gone to the repair of the churches, and the consequence was, that the tax known as church rates had to be imposed to make good the deficiency. The church rate was originally a poll tax, enforceable by the thunders of the ecclesiastical courts under pain of interdict and excommunication, and when those thunders became obsolete, and when the process of law succeeded to ecclesiastical censure, then the ecclesiastical courts became altogether ineffective, and those who had read of the litigation that took place in those courts must come to the conclusion that the ecclesiastical courts generally were inefficient, except for one purpose, namely, the creation of costs. They had a terrible efficiency as taxing machines, but were otherwise useless. With regard to church rates, which were all the more objectionable that they were enforced through the medium of such tribunals, they were a most impolitic and unjust tax. He begged to call attention to the evidence of Dr. Lushington, of Sir John Dodson, and Mr. Barnes, from which it appeared that all sorts of odd parochial charges were frequently defrayed out of church rates—even payments made for the destruction of vermin and sparrows, and that the practice in many places was to pay out of church rates whatever could not be got out of the poor and other rates. The hon. and learned Member for Tavistock proposed that the rate should remain as it was, and should be payable by all persons except by those who signed a declaration that they were Dissenters. That was a proposition that once or twice previously had been before the House, and on each occasion had been rejected, He called the attention of the House to the observations made on the subject in the year 1837 by Lord Monteagle, then Mr. Spring Rice and Chancellor of the Exchequer, who was of opinion that to require a declaration that a man was a Dissenter would be a renewal of the Test and Corporation Acts. If the proposition of the hon. and learned Gentleman were adopted, there would be a premium offered to dissent, by enacting that there should be a pecuniary advantage to a man for belonging to a certain class of religionists; and on that ground he decidedly objected to it. He was not quite sure that in all cases it would exempt the Dissenters from payment of church rates indirectly. When a Dissenter was making a bargain with his landlord, he considered that he might be distrained for church rates; and he (Mr. Collier) could not but think that if this burden were taken off houses occupied by Dissenters, it would be giving them an increased value over houses occupied by Churchmen, and eventually the Dissenters might have to pay the church rates indirectly through the medium of an increased rent. He decidedly objected to the payment of this tax on a great number of grounds, and amongst the grounds upon which he strongly relied was this—that, according to the plan of his hon. and learned Friend, all persons who did not choose to sign a declaration that they were Dissenters, would remain liable to pay church rates, and subject to all the doubts and difficulties which surrounded the law of church rates, and the disputes—if there were any—should be settled in the ecclesiastical courts. His hon. and learned Friend said the cases were to be disposed of in a summary way by the ecclesiastical courts, and there was to be no appeal except in certain cases; but he (Mr. Collier) did not know that it would be fair to leave the parties entirely to the tender mercies of those courts. If they were obliged to go into them, it would be desirable that they should also have the power to go out of them by appealing to some other court. The weak point of the case of his hon. and learned Friend was—that any question arising regarding the levying of those church rates should be solely a matter for the consideration of the ecclesiastical courts, and if those rates were to be levied he did not see any good reason why the magistrate should not be permitted to decide whether this or that sum was necessary for the repairs of the church. He thought that, upon the whole, the plan of his hon. and learned Friend the Member for Tavistock failed to grapple with the difficulties of this question; and he preferred to see churches maintained and supported out of the revenues of the Establishment. In reference to the Amendment of the hon. Member for the Tower Hamlets, he certainly thought it reasonable to apply the surplus from the improvement of church property to the maintenance of churches. It had been established by the best evidence, that there was a surplus amounting to nearly double the sum that would be required, and one half of that sum might very properly be applied to the repair of churches. The principle was one which had been affirmed by the House before, and he saw no reason why it should not be sanctioned by it again. It certainly seemed to him to be a sound principle, and one which was well calculated to get them out of the difficulties of this vexed and complex question. He objected, then, to the plan proposed by the hon. Member for Tavistock, because it failed to meet the difficulties of the question, and he approved of that of the hon. Member for the Tower Hamlets, because it fairly grappled with it; because it threw the maintenance of the Church on the church revenues, which were originally devoted to that purpose, and which ought still to be devoted to it; because it would relieve not only Dissenters, but Churchmen, from an oppressive and odious tax; and because it was a plan which he conceived would benefit the public, and, above all, would promote the interests and safety of the Established Church.

Mr. E. BALL said, he had never considered that a church rate was an impost which ought naturally and necessarily to offend the consciences of Dissenters, because he had always supposed that Dissenters were bound, under the prescription which was their special and peculiar law as religious men, to obey the law of the country in which they lived; and therefore, although they might have, as he himself had, strong objections to a church rate, he could not think they could justly regard it as a violation of their consciences, or as being offensive to God, to pay a tribute which was levied upon them by the law of the country which yielded protection to them and to their property. But, if he had ever entertained any doubts or misgivings as to the necessity of coming to some speedy decision on the question, what had been advanced by the hon. and learned Gentleman (Mr. Phillimore) on this occasion had satisfied him that they could no longer, and ought no longer, to delay the settlement of it. The law imposing these rates seemed to occupy a portion dissimilar to that of all other laws; for it had been stated to-night that in large populous districts, where the *vox populi* could make itself heard, church rates were abandoned; and that in other places, where the population was small, the arm of the law was found to be insufficient to carry out its own enactments. He believed it was the only law in the country which was unable to maintain itself. The fact he had mentioned, of its being paid in some parts, and not in others, showed that it was perfectly nugatory as regarded the accomplishment of its purpose; and, likewise, that it was unfair and partial in its operation, and did not affect alike all classes of the community. Hence it was that he thought they should endeavour to improve the law in respect to these rates. In coming to the consideration of the question, his feelings were somewhat peculiar, because as a Dissenter his situation was very different to that of most hon. Gentlemen in the House. Hon. Members opposite had no hesitation in deciding on the part they should take, because they viewed the established religion in a different light to what he did. He felt it would be more politic on his part not to vote at all, especially more politic to refrain from speaking upon the question. On the last occasion that a religious question was brought before the House, he had felt it his duty to express his opinion, knowing that opinion was utterly adverse to those of many of the Gentlemen who sent him to that House; and he was apprehensive that the sentiments he was about to deliver would be equally offensive to them, but he would consent to endure any pain or penalty to save himself from the effects of an unquiet conscience. Though he was a Dissenter, he approved of the established religion. If he went to a partially unoccupied country, took possession of it, and had the government of it entirely under his own control, he should consider it a duty which he owed to God and society, to make provision for the maintenance of Christian worship. He should set aside a certain portion of the land for supporting that form of the worship of God of which he most approved; and he must say he believed that very great benefit accrued from the establishment of a national faith. Those being his feelings, he could not see how he could conscientiously oppose the Established Church. He believed in the necessity of a national religion, and that by it a considerable deal of good had been and could still be done. Another reason which induced him to support the Church of England was, that large masses of the people would never have received the benefits of the Christian religion, or worshipped God anywhere, if it had not been for that Church. But from what he had seen about the country, he could say that no question was so pregnant of agitation—of a nasty, malignant, bitter spirit, as that of church rates. He was, therefore, for endeavouring to put an end to that miserable feeling which embittered the minds of all, and was destructive of the charitable influences of our common Christianity. The hon. and learned Member who proposed the Motion said the Dissenters were at great expense in maintaining their religion—that they paid their ministers, and were continually subscribing towards the maintenance and support of the Gospel in various ways; and that, therefore, compelling them to contribute money for the repairs of parish churches, and for the duties performed therein, was a violation of religious liberty. He (Mr. Ball) considered that these were good grounds for objecting to the payment of church rates. In his own parish, the church rates became a subject of dissension and division; but, for the sake of peace, they were not enforced, and all had remained quiet since. Had those dissensions continued, they would have operated as a hindrance to the progress of the Gospel among the inhabitants. He did not approve of the mode in which the hon. and learned Member intended to remedy the evil of which he complained. He considered it to be a premium upon dissent, and he seemed to have recourse to such a means to propagate sectarian views. A landlord, for instance, who did not care either about the Church or dissent might, by adopting that expedient, save himself 15*l.* or more a year. Hence, he thought, the proposed Bill would be a premium on dissent. He thought also that it would tend to produce a clashing of various interests; for suppose the case of a Dissenter having a child to bury—he came to the clergyman to ask for burial; but the latter turned round and told him he could have no such claim, as he paid no rates. Now that was an instance of the mode in which the proposal of the hon. Gentleman would work to create inimical feelings between various classes of the community. For those reasons he thought that the proposition, instead of being one that would settle the question, would rather aggravate the difficulties of it. Instead of its leading to a termination of those dissensions, he believed it would have a tendency rather to make them more intricate and more pungent than they were at present. He spoke from a feeling of good-will towards the Church. He was almost as much a Churchman as a Dissenter. If it were not for certain words in the Common Prayer Book, he should himself belong to the Church of England. But as he could not approve of those words in the sense in which the Church said they were intended to be used, and as he could not think it right to palter with solemn things, and to give the words a meaning which at first sight they could not fairly bear, he could not conscientiously be a Churchman. But he was quite sure that if they could get rid of church rates, and if an alteration were made in some portion of the Common Prayer Book, he believed that hundreds of thousands of persons who were now Dissenters would become members of the Church of England. He hoped that upon the present question some understanding would be arrived at which would remove those feelings of discord, and promote a kindlier spirit amongst all parties than had existed heretofore.

Mr. HUME was anxious to recall the attention of the House to what had already been done by Parliament on this subject, and what still remained to be effected. About fourteen or fifteen years ago, the church cess or church rates in Ireland were made the matter of discussion in that House; and it was stated that they were the most fruitful source of dissension and heartburning in that country; and Parliament then determined that they should be absolutely abolished. In 1834, Lord Althorp brought in a Bill to abolish church rates in England as well as in Ireland; but he (Mr. Hume) opposed the proposition of the noble Lord, and he believed it was upon his opposition that the measure was abandoned, and he opposed it on this ground—that the noble Lord proposed to throw a portion of the burden upon the Consolidated Fund; whereas he (Mr. Hume) maintained that the Church ought to maintain the whole burden out of its own property. He was still of the same opinion; and he wished that his hon. Friend the Member for the Tower Hamlets (Sir W. Clay) had omitted all reference to the pew rents in his Amendment. He should have confined himself to the proposition, that church rates ought to be abolished, and that the expenses now defrayed by church rates should be charged on the property that belonged to the Church, and which was now at the disposal of the Ecclesiastical Commissioners. He had never heard any speech more convincing to his mind—if he wanted conviction on the subject—that church rates were an evil to the Church, than the speech of the hon. and learned Member for Tavistock (Mr. R. Phillimore). He thought the speech of the hon. and learned Member ought to convince every Churchman that these rates, instead of improving or strengthening the Church, were the cause of all the discord that existed. But when the hon. and learned Member spoke of the sacrifice which the Church was disposed to make, he must confess he had not been able to discover any sacrifice in his proposition. The hon. and learned Member also added that the opinions he gave utterance to were no Radical opinions. He (Mr. Hume) begged to say, however, that Radical opinions were the only good opinions. He recollected that when he ventured, twenty-five years ago, to announce himself a person who entertained Radical opinions, a Radical was looked upon very much like a mad dog. It was then supposed that such an individual wished to undermine everything that was good and valuable in the State; whereas he conceived a Radical was one who endeavoured to root out all kinds of abuses. He hoped the Government would take this question of church rates in hand, and endeavour to settle all these disputes. He did not see why the same measure of justice which had been granted to Ireland should not be extended to England. He feared the proposal of the hon. and learned Member would rather keep up that religious hostility and bitterness to which he was desirous to put an end. The proposition, besides, had already been repeatedly made and rejected by this House; and, therefore, he gave the preference to the Amendment of his hon. Friend (Sir W. Clay). If the hon. Baronet would alter his Amendment to the effect that all rates required for the repairs of churches, and for other purposes in connexion with them, should come out of the funds at the disposal of the Ecclesiastical Commissioners, he would terminate the question in a much more satisfactory manner. In the event of a division taking place, he (Mr. Hume) should, however, vote for the Amendment in preference to the Motion; though, at the same time, he thought it would be better if the Government would take the matter in hand, and place the people of England in the same situation with regard to church rates as the inhabitants of Ireland.

Sir ROBERT H. INGLIS said, that he considered both the original Motion and the Amendment equally objectionable; but when a proposition was made by an hon. and learned Member sitting immediately behind the Treasury bench, and an Amendment to it moved by an hon. Baronet who stated that he gave his general support to the Government, he (Sir R. H. Inglis) thought he might have been accused of presumption if he had urged his objections to both propositions before any Member of the Government had spoken. Having waited until that moment, in the expectation of hearing the opinion of Her Majesty's Ministers upon the question, he thought that he might now not unfairly ask the attention of the House. The question then, viewed either in the light of the original proposition or the Amendment, was to him almost equally objectionable. The proposition which had been placed first in the hands of the Speaker was one which went to destroy absolutely the nationality of the support of the Established Church, and would leave it only on the footing of one of the many sects which were tolerated in this country. The distinction existing in favour of the Established Church was, that it was the Church that was supported by the nation and by law; and therefore even if as much money could be raised voluntarily as was now raised under compulsion of legal assessment, it would yet cease to be a national Church; it would become neither more nor less than a system of religion supported by the voluntary contributions of those who adhered to it. [*Cheers.*] He did not mistake those cheers, which recognised the consequence deducible from such a principle—he violated no confidence when he said he heard it whispered around him that this was the point to which they wished to bring the Church—that the Church, to which the richest classes of the community belonged, should be supported by the wealth of her individual members. He would consistently object, as he always had done, to the proposition before the House. What was the principle, and where was the pressure which should induce the House to come to this result? His hon. and learned Friend said, if their house wanted repair they ought to repair it in a time of calm, and not wait until a storm should arise. But he (Sir R. H. Inglis) asked, did the house want repair, as the hon. and learned Member assumed—for that was the very basis of the argument? The hon. and learned Member for Plymouth (Mr. Collier) stated that the tax under discussion was unique as a tax, for it combined every possible evil existing in every other tax. But who felt the evil? He defied any hon. Member who sat on the back benches to produce a single instance of a tax in favour of which so many petitions had been presented. No less than 3,198 petitions had been presented a few years ago from different parishes, the prayer of the petitioners being that they might be allowed still to possess the privilege of maintaining their own religion. He was justified, therefore, in saying that the hearts of the people of England were identified with their Church—that they supported her voluntarily in the form and manner in which the law enabled them to do, but that they would not consent to degrade the Church to the level of other sects. The property represented by this tax had been for fourteen centuries the appanage of the Church of England; and he trusted that this House, which still represented the feelings of the great body of the Church of England, would hesitate to assent to a proposition which virtually destroyed that property altogether. The proposition of the hon. Member for the Tower Hamlets was a more open and intelligible mode of getting rid of the impost. But with regard to both propositions, he must say that this tax was an impost upon property; and it was a mere quibble to contend that the tax was a tax upon persons and not upon property. It was not a capitation tax—it was not a poll tax upon the hon. Members for Tavistock and Plymouth, in respect of their persons—it was imposed upon them relatively to the property they held. If it were otherwise, every pauper in the country would be taxed equally with them. To put the matter into the simplest form, one that would be intelligible to the meanest capacity, and, he might add, to the meanest morality—if a man buys something that is worth 30*l.* per annum, subject to the payment of 1*l.* to B, is he at liberty to keep the whole 30*l.* to himself, because he does not like the person or the coat of B, or objects to the use which B will make of his 1*l.*, and he pockets 1*l.* extra? When this subject was first introduced into the House of Commons, Mr. Daniel Whittle Harvey, on the 21st of April, 1834, said—

> "The church rate affects property in the same way as any other charge. The other day I was called upon to pay 14*l.* for my house in Great George-street, for the repair and maintenance of a neighbouring church. Now, if I were to sell my house, would not the purchaser inquire after the church rates as well as the parish rates, the sewers rates, and all other charges affecting property; and having taken them into consideration, would not the amount of them influence the price?"—[3 *Hansard*, xxii. 1045.]

But surely if this be the case in selling, had it not been the case in buying? Had not this Gentleman purchased the property in like manner? Where was the honesty of endeavouring to get rid of this impost for the purpose of putting the amount into his own purse? He had the greatest respect for honest and sincere consciences, though he believed conscience might be misguided as well as passion; and it was not every conscience that was enlightened;—but, of all things, keep him from a conscience that resided in the breeches pocket. In all questions of this kind it behoved us to take care that it was not the purse which raised the objection. They were told that it was not the amount of ship money which Hampden resisted—it was the principle; and that was the course professed to be followed by many a village Hampden in this day on this subject. But his question was, did not the owners of property engage to pay this burden when they purchased the property, as much as they engaged to pay the water rate or the sewer rate? If they did, he hoped they were not deceiving themselves when they refused to fulfil a solemn contract on the ground of principle. The House had been told that this impost bore very heavily upon the consciences of some of the most estimable bodies in this country; but it must be remembered that the members of these bodies had acquired their property subject to the same obligation with their neighbours; and, moreover, the real number of objections to the church rates, so far as was evinced by resistance to their levy was small; and of the 15,000 country and town parishes of England, it could not be denied that the enormous majority paid church rates without doubt or objection; the resistance was only where large masses of men were collected together in towns. The proposition of the hon. Baronet the Member for the Tower Hamlets, was intelligible, for it was to abolish church rates altogether. He (Sir R. H. Inglis), however, had already contended that it was not just to the Establishment, as such; but, above all, it was not just to the religious claims and interests of a great body of our fellow-subjects, to take such a step. He believed that, without some such source of support, the great principle of a religious Establishment could not be maintained. There might be, no doubt, here and there places where churches could be maintained by the voluntary principle; but in these places where it was most important to have the legal, authoritative, and substantial support for the Church in the shape of church rates, namely, in the 13,000 villages of England, the pious foundations of our forefathers would be left to decay; and the people, without religious assistance. But when he heard the speech of the hon. and learned Gentleman who made the first proposition, he found that the age of bounties had not ceased, even in these free-trade days; for the proposition in fact was to bestow a *bonus* upon Dissenters, and hold out an inducement to any person to declare himself a Dissenter, in order to avoid the payment of church rates. By this proposition the law would either tempt a man by an appeal to his pocket to declare himself a Dissenter, or, if he were conscientious, it would practically excommunicate him. He knew the proposition of his hon. and learned Friend provided a *locus pœnitentiæ:* it would allow persons at Easter to declare themselves Dissenters, and at Michaelmas, when the time for paying church rates was past, to repudiate Dissent and become Churchmen. Probably these were not the views of his hon. and learned Friend; but they had no security that such would not be the working of the measure; and that the number of Dissenters would not be continually fluctuating according to the season of the year. But, it had been suggested by the hon. Member for the Tower Hamlets (Sir W. Clay), how would that affect the case when the head of a family declared himself a Dissenter, but where all the other members attended the Church and received all the benefits of its offices? Again, as was suggested in a pamphlet circulated yesterday from the pen of a noble Lord (Lord Stanley), were Dissenters still to be entitled to receive the rites of the Church? Were the bodies of men to be brought to the churchyards who had admitted themselves to be Disssnters by a solemn document signed by themselves? These were some of the practical difficulties which the proposition of the hon. and learned Member for Tavistock would necessarily involve. When this subject was formerly introduced to the House of Commons, the same proposition was answered very forcibly by the noble Lord who then led the House (Lord Althorp), and which received the concurrence of the noble Lord the Member for London. On the 21st of April, 1834, Lord Althorp said—

> "Another proposition was to continue church rates as at present, but to exempt Dissenters from the payment of them. As far as Dissenters were concerned, this would of course satisfy them; but it would be detrimental in the highest degree to the interests of the Established Church. If any person could exempt himself from the pay-

ment of church rates by saying he was a Dissenter, he apprehended that the number of Dissenters would be greatly and rapidly increased. For this reason he could could not prevail upon himself to bring forward a proposition contrary, as he thought, to the plain principles of justice."—[3 *Hansard*, xxii. 1013–14.]

They were told to-night that they had no time to capitulate on this subject, but they must yield at once. In the course of the same debate in 1834, however, it had been predicted by Mr. D. W. Harvey that church rates would not last above a year or two; but now, twenty years later, the same discussion was revived, although he (Sir R. H. Inglis) thought that the petitions presented in 1837 in favour of the maintenance of church rates, proved most conclusively the attachment of the great body of the people of England to the mode of supporting their Church as by law established. It might be desirable to make some change in the mode of enforcing the law; and if the proposition before the House merely were for leave to bring in a Bill to alter and amend the laws relating to church rates—without reference to the speech delivered by the hon. and learned Gentleman—he did not know that he should object to it. But that was not the object of this proposition. The proposition was, as he had already described it, neither more nor less than to render the Church of England one of the many sects supported by voluntary contributions. It was to denationalise the National Church; for Dissenters had over and over again said within the last twenty years, "Get rid of church rates, and we shall get rid of the Church." Whether they were right or wrong it was not his present purpose to inquire; his purpose was rather to show the *animus* which prompted them to desire to get rid of church rates; and it was against this *animus* he wished to warn the House. He felt that, upon every ground, this House was not called upon to adopt either of the propositions before it. It was not called on to adopt the Amendment of the hon. Gentleman the Member for the Tower Hamlets (Sir W. Clay), because that proposed to destroy the system of church rates without providing any adequate equivalent—indeed, he (Sir R. H. Inglis) believed there was no equivalent which could be adequate, either in point of amount or of principle. With respect to the reference which had been made to Church property, that had been a perpetual claim made by every ecclesiastical reformer during the last twenty years; and he believed that it was now thoroughly exhausted. When it was stated that 500,000*l.* remained in the hands of the Ecclesiastical Commissioners, he begged to remark that that sum was already pledged to objects which were infinitely more important than that of getting rid of church rates. Church rates were applied to sustaining the external fabric of the Church; but that 500,000*l.* was applied to the providing spiritual instruction for the people; and from that purpose he, for one, would never consent to divert it. Then, as to the Motion of his hon. and learned Friend the Member for Tavistock (Mr. Phillimore), that, he contended, was still more objectionable than the Amendment, for it went to withdraw national support from the Church altogether. Upon all these grounds, therefore, he should oppose both Motion and Amendment.

MR. APSLEY PELLATT said, he could assure the hon. and learned Member for Tavistock, that if he apprehended his proposition would give satisfaction to the Nonconformists, he was utterly mistaken. They never yet in any broad question of civil or religious liberty had asked anything for themselves which they were not willing to give to others; and they deemed that the exclusive proposition of placing them, as it were, in the position of suing *in formâ pauperis* to the churchwarden, by declaring themselves Dissenters in order to be exempted from the imposition of church rates, was a degradation to which they could not submit. The proposition would tend also to a great amount of deceit and scandal to religion; since, when a church rate was about to be enforced, it might induce men to avow themselves Dissenters for the sole purpose of evading payment of a rate—as in the case, for example, of a heavy rate for a new church a man might be exempted from it by declaring himself a Dissenter; but when the church was completed and the rate satisfied, he could become a Churchman again, and obtain all the advantages of the new church. The tendency of this would be to disgrace religion without occasioning any corresponding advantage to the community at large. The hon. Baronet the Member for Oxford University (Sir R. H. Inglis) had used the word "toleration" as applied to Dissenters. He begged to assure the hon. Baronet that they repudiated the epithet, believing that in the advanced state of the times in liberty and intelligence, and with the progressive influence of civilisation, it ought to be erased from the lexicon. He was at a loss to know how the hon. Baronet traced the existence of church rates for fourteen centuries, or to anything like that time; but the fact was, that tithes ought to have included church rates, for the church rate was originally payable out of tithes. If the hon. Baronet wished to retain the nationality of the Church, let him bring in a Bill for capitalising the fines now payable on the granting and renewing of leases of Church property from colleges and from deans and chapters, by commuting those fines into a rent charge payable on leases granted in perpetuity, instead of the existing system. By so doing, he would not only dispense with church rates, but add 20 per cent to the income of the Establishment. The words "free trade" had fallen from the hon. Baronet in the course of his observations. The principle of free trade was now practically recognised with respect to the physical food of man; and he would ask the hon. Baronet why the people ought not to have free trade in food of a spiritual description? The hon. Member for Cambridgeshire stated that while it was the law he believed it to be his duty to pay church rates. But many persons believed that it was not the law—that it might indeed be a remnant of the canon law, and might have existed fourteen centuries ago even, but that it certainly was not a law which in these liberal times ought to be enforced. Archdeacon Paley had laid it down that a law being found to produce no sensible good, was a sufficient reason for repealing it, as adverse and injurious to the rights of free citizens, without demanding specific evidence of its bad effects; and he gave as instances of such laws, the game laws, the poor laws, and the laws against Papists and Dissenters. Blackstone stated that questions of this nature should be tried by the ordinary legal tribunals of the country. He asked, were the Ecclesiastical Courts entitled to that appellation? He had had something like two years' experience of them, and could speak feelingly of the manner in which they were conducted. He must do them the justice to say that he had obtained a very honest and impartial hearing; but the expenses were of such a nature as must ruin any cause and any man, whatever his fortune, if he chose to persist and go through the whole course of litigation and appeals which those Courts held open to him. He asked the hon. and learned Member what he intended to do with Dissenters in regard to the churchyard question? As he understood the Bill, Dissenters were to be excluded from the burial ground and from the rites of the Church. He contended, however, that at least a portion of the burial ground, either consecrated or unconsecrated, he cared not which, should be set apart for Dissenters. The fact was, that after all it was very much as the hon. Baronet the Member for the University of Oxford had represented it—a breeches-pocket question; and Milton was right when he said that the Church would never cease to persecute until she ceased to be mercenary. If the laws had been left as made by Alfred and Henry the Eighth, the Dissenters would be much better off than they were now. The system of plurality of votes—or rather the legal screw which the Church was allowed to put on, enabled the few in many instances to make the rate, because the number of votes was regulated, not by the individuals voting, but by the assessment. A great deal was said about the liberality of the Church of England. That Church knew nothing of any one except as a member of her own community. No matter where a man was born, no matter what religion he professed, if he went into the Ecclesiastical Courts, his soul's health was dealt with on the assumption that he was a member of the Established Church. Even the Spanish Inquisition, in dealing with Jews, was, he maintained, more liberal than the Court of Arches in dealing with Dissenters. The Spanish Inquisition held that as Jews had not been baptised they could not be dealt with as heretics or apostates—the historian adding, that the jurisdiction of the Inquisition was directed against heretical pravity and apostacy. Dissenters in this country had certainly been guilty neither of heretical pravity nor of apostacy, and, therefore, ought to be excused from paying church rates. In 1835, Sir Robert Peel observed, that there was not a single question except that of the Irish Church, which so much pressed for a practical settlement as that of church rates; and after the lapse of several years since that declaration was made, he (Mr. A. Pellatt) called upon the present Government to deal with the church revenues as the only means of providing a complete and final remedy for the evil.

Mr. MIALL had prepared himself to encounter some resistance in the course of this debate; but he found that scarcely any resistance, at least in the way of argument, had been offered to the propositions now under consideration. Previously to coming into the House he had looked through a pamphlet published a day or two since by the noble Lord the Member for King's Lynn (Lord Stanley), and he begged to tender to that noble Lord his sincere thanks for the kindly spirit he had there manifested towards his dissenting brethren, and for the spirit of justice in which he was disposed to deal with the whole question. So far as he understood the noble Lord, he wished, *boná fide*, to relieve the Dissenters from what he believed to be an injustice, and the Church from a reproach which now attached to it. Both the hon. and learned Member for Tavistock and the hon. Baronet the Member for the Tower Hamlets must be regarded as sincerely attached to the Church to which they belonged; yet they were the parties who were seeking to relieve the Dissenters from that impost which pressed so much upon their consciences. With the exception of the speech of the hon. Baronet (Sir R. H. Inglis), which consisted rather of assumption and assertions than of argument, there had hardly been any opposition to the propositions before the House; and, strange to say, the only argument they had heard in the course of the debate in favour of the principle of an Established Church, had come from the hon. Member from Cambridgeshire (Mr. E. Ball), who was himself a Dissenter. They were spending precious hours in settling a difficulty which to most persons in the kingdom was no difficulty whatever. They were asking how the fabric and the services of the Church could be maintained? That was no matter of difficulty whatever with the large number of the Dissenters—nothing could be at once so simple and so just as that the Churchman should pay for the fabric and the service of his own Church, in the same way that the Dissenter was both willing and able to pay for the support of his church and his minister. The hon. Baronet (Sir R. H. Inglis) said no less than 3,000 petitions were presented during the Session of 1837, from members of the Church, praying that they might be allowed to continue in the privilege of maintaining their own Church. He (Mr. Miall) would have thought that did not in the least degree depend on any decision of the Legislature. If the law had prohibited them, still they would have been left the opportunity of supporting their own Church, and in the way most consonant with their own feelings. But, according to the census of 1851, no less than 17,000 separate buildings were maintained by the Dissenters for religious worship. Dissenters found no difficulty whatever in maintaining their own ministers and carrying on their own service, and it struck him as being odd, not to say condemnatory of the whole system, that there should be the slightest difficulty in the minds of hon. Members as to the mode in which this question should be dealt with. The Church did not always feel this difficulty. In its earliest ages there was no discussion or question as to the mode in which this necessary object should be achieved. He took the history of the church-rate question from its commencement to its close to be simply a history of the encroachments of the priesthood upon the rights of the laity. The voluntary principle in the early ages of the Church was only defective in one respect, and that was in its excess. It produced too much; the source was too exuberant. It threw into the lap of the Church riches which in time became its great tempation; and during the period that the possessions of the Church were only held by the connivance—he could not say with the sanction—of the State, there was little harm done; but when the State took the Church under its patronage and control, scarcely fifty years elapsed before the character of the clergy became changed in the eyes of the people. They were then called legacy hunters, haunting the houses of widows and orphans, and an edict was passed prohibiting them from receiving bequests from female penitents. But he must do the Church the justice to admit that the funds which she thus received from the voluntary benevolence of her own children, she distributed with some regard to equity and religion. By an early statute it was provided that a third of the tithes of every person should go to the repair of the church; and he believed it would be found that the first specific mention which was made of the obligation of parishioners to keep the church in repair occurred in a letter by the Archbishop of York in 1256. He might remind the House, however, that this impost was not submitted to quietly by the people. Encroachments and invasions had been gradually taking place, but the people had always stronuously resisted them; and in 1257 it was stated, in an assembly of the whole body of prelates, that when they summoned persons before them for refusing to enclose the churchyard or roof the church, a prohibition was obtained from the common-law courts to the injury and disparagement of the Church itself. Down to the present day the spirit of encroachment seemed to him to be going on. All recent proceedings had tended to curtail the rights of the Commissioners; and he felt that the very proposition proposed to them no doubt in a spirit of kindness by the hon. and learned Member for Tavistock, would be found to be a further encroachment of the sacerdotal power and influence upon the rights and privileges of the laity. The hon. Baronet the Member for the University of Oxford viewed the church rate as a charge upon property, and not upon persons; and thought that the demand now made was equivalent to a demand for the transference of so much money from the coffers of the Church to the pockets of Dissenters. Now, that was an assertion which was very easily made, and if only reiterated with sufficient frequency, and maintained with sufficient obstinacy, as he had no doubt it would be by the hon. Baronet, it was not unlikely to pass unassailable for some time; but there was not one particle of evidence to support it. Was it not the case that in thousands of instances the property now assessed for church rates positively came into existence only within the last few years? He maintained that this was a tax upon persons, measured, indeed, by a certain description of property, but in no respect to be considered a tax upon property. The Dissenters might, therefore, honestly and *bonâ fide*, seek to obtain the repeal of such a tax. He would not detain the House by referring to any of the objections to the tax; they had already been ably and sufficiently stated; but there was one topic upon which he would venture to say a few words, and that was in regard to the mode of dealing with this question. There were two modes proposed to the House. To the proposition of the hon. Baronet the Member for the Tower Hamlets, if it come to a division, he should most undoubtedly say "aye," though he would have said it with far more satisfaction if the hon. Baronet had simply proposed to abolish this obnoxious impost, and to leave the maintenance of the Church to be effected out of those funds which would accrue from the better management of its property. He did not like the system of pew rents being recognised by law, and he did not approve that they, as Dissenters, who sought to be exempt from the impost altogether, should, by their assent, impose the tax upon the members of the Church, who were equally desirous of being relieved from the burden. Then came the proposition of the hon. and learned Member for Tavistock. He (Mr. Miall) did not for a moment cast the smallest suspicion, or entertain a doubt as to the purity of the motives with which that hon. and learned Gentleman made his proposition; but he thought it was very important that the question should be looked to, and especially by Her Majesty's Government, because it was one which might involve matters that hereafter might prove of grave consequence. It involved a principle which might prove very dangerous when considered in reference to the Church of England as an Established Church. It was a proposition calculated to convert that which was now a national institution into a religious association, vested with public funds. Now he submitted to the House, whether this was a question which ought to be entertained incidentally and without the fullest and most anxious discussion? A simple proposition was made to exempt Dissenters from church rates, but that proposition was couched in such a form by the hon. and learned Gentleman that it would have the effect of transforming that which was now a national institution into a private sect possessed of certain funds. Under these circumstances he could not vote for the Motion of the hon. and learned Gentleman. But if he were assured that such would not be the effect of the measure, he, with his anxiety never to do aught which would denationalise the present ecclesiastical institutions of the country until they could fairly sever the Church entirely from the State, would content himself with making this protest; and he would further say, that if his hon. and learned Friend would give him the assurance that his Bill would not interfere with the right of Parliament to deal with the whole ecclesiastical affairs of the country, then, if the Amendment of the hon. Baronet should fail, under the circumstances and with such qualifications, he should be happy to give his vote for the hon. and learned Gentleman's Motion.

Mr. WIGRAM said, he could not but regard the present Motion as one of great importance, especially considered in reference to the Amendment brought forward by the hon. Baronet (Sir W. Clay), because he could not, when he saw that the ground upon which the opposition to church rates rested was that of conscience, help perceiving that this Motion, at present aimed against church rates, was in its ultimate object an attack upon tithes. He was justified in saying so by a petition which had been presented to the House, signed by several members of the Society of

Friends. The petitioners considered it an infringement on the rights of conscience to call upon members of any dissenting body to contribute, either directly or indirectly, to the support of a mode of worship from which they conscientiously dissented. It was clear, therefore, that they were now dealing with all that was dear to the national Church of this country. The substantive ground upon which these rates were maintained was this: The law required that a church should be established and maintained in every parish in the kingdom; and that for the maintenance of that church, and of religious worship therein, a portion of the property which Providence had given to the rich should be set apart. The proposal now before the House was to abrogate that law, and thus suffer that church to go into decay which was especially meant for the poor, which was free to the poor, and for a seat in which no rent could by law be enforced. It was said that church rates were a personal tax, and not a charge upon property. Let them look at that question. If a person resided in a parish, but was not an occupier of land, he was not called upon to pay church rates; but if, on the contrary, he was an occupier of land—that is, an owner, although he was residing 200 miles away —he was still liable to the rate. That certainly appeared to him to be very like a charge on land, and not on the person. Again, the rector, if he occupied only a glebe land, was free from church rates, but if he occupied one acre of other than glebe land, he became chargeable as much as any other tenant; and, on the other hand, if he let the glebe land to another, that other was free from church rates. These facts showed that the charge was in respect of the land, and not the person. The fallacy which had been so potent over some arose out of the phrase that these rates were charged upon the person in respect of the land. Apart from technical language, that phrase meant no more than this—that the remedy was against the person, and not against the land. Now, he would have no objection to assist in taking away the remedy as against the person, in order to its being altogether laid against the land, if that were the chief subject of complaint. Upon every consideration of justice and principle, it was evident that no ground had been laid for the Motion of the hon. Member for the Tower Hamlets. Indeed, the only thing which looked like a practical argument that had been offered was, that in the large towns church rates had fallen into desuetude, and were seldom collected. But that was no real ground why there should be no church rate. What was the case in regard to rural parishes? He had been informed by a friend that in one archdeaconry, having no less than 300 churches, the church rates were collected and paid with cheerfulness, and without any difficulty whatever, although a great number of Dissenters were living in those parishes. There might be a reason for making an alteration in the law with respect to the great towns; but there was no reason for abrogating church rates altogether. The reason for this was not that in the towns the people were strong enough to resist church rates, but that in the rural districts they were not; but the fact was that in the rural parishes the church rates were really and truly wanted; and the general sense of the people was that the church ought to be supported. But in great towns, instead of church rates being levied by a high rate on a few, it was spread over a large body in minute sums, thereby making it difficult to collect. But added to this was the fact that the population of the parishes being poor, the wealthy portion of the inhabitants were seen to be using the church to the exclusion of the poor. He was sorry to say that that was unhappily the case. The rich exclusively occupied the pews, so he could not therefore be surprised that in the large towns a feeling of jealousy was excited when the people were called upon to pay church rates for the benefit of their wealthier neighbours. He saw another objection to the Bill of his hon. and learned Friend. At present the parish minister was considered to be the minister for the whole parish. This Bill, for the first time, broke in upon that principle. It proposed that the parish minister should no longer be minister for those who chose to give notice that they dissented from the Church. The Bill would increase the movement against the Church of England. Let them consider the effect of the measure in a country parish. A farmer registers himself as a Dissenter. What follows? A church rate is levied upon his neighbour. What is the consequence? Undoubtedly, the repudiation of Farmer A would not diminish the amount of church rate. That would remain exactly the same. The consequence then would be that not only would A be relieved, but the whole burden would alone be thrown on the shoulders of B. The effect of the Bill would be to excite the greatest possible dislike to the Church Establishment. Why, what would be the effect in some parishes? No rates would be paid at all; for there were many parishes in which the whole of the rates were paid by one party. Well, suppose that party should declare that he was a Dissenter, who was there, then to pay the rates? A challenge had been thrown out that those who opposed the Bill ought at least to suggest something definite as to what the remedy ought to be. Now, he thought the necessity of the case was a good deal exaggerated, and he quite concurred with what had been said by Dr. Lushington in his excellent evidence on the subject. That learned authority observed in the first place upon the uncertainty of purpose for which church rates were levied, and said, it would be advisable to limit those purposes to the maintenance of the Church and the necessaries of divine service; and that by such a course he was convinced nineteen-twentieths of the objections to church rates would be removed. Another point was, that when property was improved by the building of houses, the rates should be commuted on the same principle as the Tithe Commutation Act; and Dr. Lushington further suggested that the rates should be paid by the landlord instead of the tenant. He could not but think that an Act might be framed upon those suggestions which would remedy the grievances complained of under the existing system, and place the law upon a much more satisfactory basis than it was at present.

Sir GEORGE GREY said, he felt bound to express his entire dissent from the sentiments of the hon. and learned Gentleman who spoke last, and of the hon. Baronet the Member for the University of Oxford (Sir R. H. Inglis), who, he thought, took a very exaggerated view of this question in holding it to be one affecting the very existence of the Church of England. He must say that to him (Sir G. Grey) the question of Church rates did not in any degree appear to affect the existence of the Church of England; and he thought they were injudicious and ill-advised friends of it who staked its existence upon such a question. He thought church rates and tithes stood upon a totally different footing. He believed that if church rates were abolished to-morrow, however great the inconvenience it might cause in some parishes, the Church would still remain as firmly established as it was now, and as he trusted, it would long remain, in the affections of the great bulk of the population of this country. But, while he differed from the hon. and learned Gentleman and from the hon. Baronet in this respect, he must at the same time avow his entire concurrence in the unanswerable objections which had been made by his hon. and learned Friend (Sir R. H. Inglis), in common with others, to the proposition of the hon. and learned Member for Tavistock (Mr. Phillimore). Indeed, he could not fail to be struck by the circumstance that, though they had been debating that question more than six hours, and many hon. Gentlemen had addressed the House, not a single Member had risen in support of the proposition of the hon. and learned Gentleman. He (Sir G. Grey) wished also to supply an omission which had struck him. He had carefully read the pamphlet of the noble Lord opposite (Lord Stanley) on this subject, and he had attentively listened to the speech of the hon. and learned Member for Tavistock; but both the noble Lord in his pamphlet, and the hon. and learned Member in his speech, had omitted to state that the proposition now put forward was not a new or original proposition. The noble Lord and the hon. and learned Gentleman had stated—the one in his pamphlet, the other in his speech—that different proposals had, from time to time, been laid before the House for the settlement of this question; but they each omitted two propositions, one of which was made some twelve or thirteen years ago by his hon. Friend the Member for Finsbury (Mr. T. Duncombe), and the other in 1849 by his hon. and learned Friend the Vice-Chancellor Page Wood, at that time Member for Oxford city—both of them intended to remedy the grievance of which Dissenters complained, by exempting them from the rates, and leaving the burden to be borne entirely by members of the Established Church. Now, in 1849, when the last proposition was made, it was his duty as Member of the Government to state his objections to it; and looking at the difficulties that surrounded the question, and the many abortive attempts that had been made to settle it, he should not the least feel himself bound because he opposed the proposition then, to oppose it now if he thought it would have the effect of satisfactorily settling the question; but he was bound to say the objections he then entertained to drawing this line between Dissenters and Churchmen remained not only unimpaired, but were greatly increased, when he heard in detail the plan of the hon. and learned Gentleman. He (Sir George Grey) then stated, with reference more particularly to that part of the country with which he was connected—the north of England—bordering on a country which followed a different mode of worship from this, that Presbyterians in large numbers and Episcopalians mingled with each other on terms of good feeling in their religious services; and he thought it would be most prejudicial to the interests of the Church itself and to that harmony which he desired to see subsist among men professing a common Christianity, though differing in the form of worship, if a line of distinction were to be drawn by which Dissenters were, upon declaring themselves to be registered, to be placed on a different footing from Churchmen. He apprehended that when once a man declared himself a Dissenter, to escape the payment of church rates, he would then feel that access to the parish church would be less desirable to him, and instead of joining in Divine worship at that church, as to his (Sir G. Grey's) own knowledge Dissenters now constantly did attend the services of the Church—such a man would feel that he had no right to intrude himself into a place of worship belonging to the Church of England. But what was proposed now? No option was to be left to the Dissenter; having once registered himself as a Dissenter, he was, according to the plan of the noble Lord, and, although with a slight variation, according to the scheme of the hon. and learned Gentleman, to be debarred for ever thereafter from all participation in the rights and privileges of the Church. Now, he (Sir G. Grey) must say that, to declare that the admission of those rights and privileges should be by payment of church rates, was a proposal which that House ought never to entertain. If a man, declaring himself a Dissenter in order to being registered on the books of the churchwardens to be exempted from church rates, was to be thereby excluded from all the privileges of the Church thereafter, it came very near to a proposition that, for the payment of a miserable sum of money, he might obtain admission to those privileges. The hon. and learned Gentleman stated his plan in a manner that led him (Sir G. Grey) to believe that he intended a man so declaring himself a Dissenter should never partake of the communion of the Established Church—which in his own knowledge many Dissenters did at present; that he should be debarred from having his marriage solemnized in the parish church, and should be debarred, after death, from burial in a churchyard. The hon. and learned Gentleman, he was bound to admit, had not said so in so many words; but his language justified him (Sir G. Grey) in arriving at that conclusion. On referring to the pamphlet of the noble Lord opposite, he found that the right of burial in a churchyard was specially reserved to Dissenters, but only on the condition that additional burial fees should be paid for the interment; these additional fees being, he (Sir G. Grey) presumed, intended to serve as a compensation for the non-payment of church rates by Dissenters. Such a proposition appeared to him to be open to the most serious objections. He did not think with his hon. Friend the Member for the University of Oxford, that the proposed Bill of the hon. and learned Member for Tavistock should be called a Bill for occasional conformity, but, on the contrary, that it should be called a Bill against occasional conformity. The hon. and learned Gentleman (Mr. R. Phillimore) had stated a proposition from which he (Sir G. Grey) entirely dissented, namely, that the whole population of this country was divided into two classes—those, on the one hand, who were members of the Established Church, and those, on the other, who held her doctrines and her discipline in abhorrence. That was the strong term used by the hon. and learned Gentleman himself. Now, he (Sir G. Grey) must say that he believed there were many Dissenters who objected conscientiously to the Established Church, who, dissented, perhaps, from the discipline of that Church, and from some parts of her formularies and mode of worship; but yet they held the great doctrines of that Church—they substantially held the same doctrines as those taught by the Established Church—and, so far from holding that Church in abhorrence, they respected her members, and looked upon her as a Church which had been the means of conferring inestimable blessings on this country, by maintaining and diffusing the principles of true religion. He believed that the present was the first attempt to draw a line of distinction between members of the Established Church and those who might call themselves Dissenters, and by that means escape from the payment of church rates. If these propositions were the only means by which they could escape the payment of church rates, he believed the consequence of their adoption would be very prejudicial; but then he agreed with the hon. and learned Gentleman who spoke last (Mr. L. Wigram), that this plan would not settle the question—that it would not produce peace and quietness, and contentment, in a large portion of the country, and chiefly not in those very places in which the church-rate contests had occurred. He thought the question had become very materially altered since the first discussion, which took place twenty years ago on this subject. At that time nothing was more common than to see a contest carried on in many large towns in this country between the advocates and the opponents of church rates; and scenes occurred which could only be called disgraceful, and which were most prejudicial to the interests of the Established Church. He believed that these scenes had, for the most part, passed away. It was now a rare thing to witness such scenes as those. He believed that in many large towns in this country—in more than those enumerated in the pamphlet of the noble Lord opposite—owing to the good sense of the members of the Established Church, and to their desire to promote peace and unity, and to avoid the consequences which resulted from those unseemly contests, church rates had been practically abolished, and that the repairs of the church were now most effectually provided for by the voluntary contributions of the members of the Established Church. In the country parishes, he was aware, the case was different. But what would follow the introduction of the hon. and learned Gentleman's plan into those towns where church rates had been abolished? Why, this—that those voluntary contributions would cease. The hon. and learned Gentleman proposed that Dissenters, or persons claiming exemption as Dissenters, should be exempted from the payment of church rates. The burden of the church rates would consequently fall with increased weight upon the members of the Established Church; and, as the hon. and learned Gentleman proposed to introduce a much more effectual plan than the present for enforcing the payment of church rates—to make their enforcement universal throughout the country, so that it would no longer be in the power of vestries to dispense with church rates as they had hitherto done in many large towns where voluntary contributions had been resorted to—he (Sir G. Grey) was afraid that, where church rates had ceased to be enforced, an attempt to revive them even amongst members of the Established Church would be attended with a recurrence of those scenes which had now happily passed away. Again, he must say that the proposition of the hon. and learned Gentleman to leave the jurisdiction with respect to church rates in the hands of the Ecclesiastical Courts was one which would be universally condemned; and when it was considered that the noble Lord the leader of the Government in that House had announced his intention of cleansing out that Augean stable, the proposal to give the jurisdiction to the Ecclesiastical Courts was one which he was sure the House would not for one moment entertain. He must do the noble Lord opposite the justice to say, that that part of the plan of the hon. and learned Gentleman was not a part of his (Lord Stanley's) scheme, for the noble Lord proposed that the same authority, namely, the magistrates who had for some years administered the laws with regard to the relief of the poor, should also be confided with power to adjudicate in the matter of church rates. He should therefore have no hesitation in voting against the introduction of the Bill of the hon. and learned Member for Tavistock. He wished he could feel the same certainty as to the course which he thought he ought to take in reference to the proposition of the hon. Baronet the Member for the Tower Hamlets (Sir W. Clay). He (Sir C. Grey) must admit that he felt the force of the objections which had been urged against the levying of pew rents in order to make up for any deficiency caused by the abolition of the church rates. In large towns and cities that plan might be extremely practicable; but if such a plan were resorted to in the country churches, the effect would be to deprive the poor of access to the church. He would not be a party to levying pew rents by way of making up for the deficiency in the church rates. With regard to the proposition of the hon. Baronet the Member for the Tower Hamlets to provide out of the ecclesiastical funds a sum necessary for the repair of the churches, &c., he (Sir G. Grey) should like to see a distinct scheme for that purpose before he gave his assent to it; and he did not think that the hon. Baronet was prepared, as was the hon. and learned Member for Tavistock, to lay a Bill upon the table of the House embodying his views on the subject. He should like to know what means the hon. Baronet proposed for limiting the amount which parishes might draw under his Bill from the ecclesiastical fund. He would not vote for a simple abstraction, and he could not, therefore, vote for the promised proposition of the hon. Baronet. Until the hon. Baronet submitted the details of his measure to the House, he (Sir G. Grey must withhold his vote.

LORD JOHN RUSSELL: Sir, I cannot say that there is anything very satisfactory either in the propositions which have been made to the House, or in the debate in which these propositions have been discussed. At the same time the House must feel that the subject is a most important one, and therefore that their decision ought to be deliberately made. I quite agree with my right hon. Friend who has just sat down that it is not absolutely essential for the Established Church that any part of its funds should be raised by church rates. I quite admit that the Church Establishment might well exist without church rates, as in Ireland the Established Church remains without those rates. At the same time, if we are looking at this as a practical question, we must consider in the first place that here is a very considerable sum—those who put it at the least sum, set it down at 300,000*l.* a year—and that sum of 300,000*l.* in many parts of the country is raised by parishes with scarcely any opposition, probably in many no opposition whatever is offered; and the sum so raised is applied to the keeping in repair and maintaining those ancient edifices which have belonged to the worship of the country from the first introduction of Christianity. To do away with that sum at once would be a very serious matter. But, then, it is likewise not to be overlooked that, although we may say that we may maintain the principle of the Church Establishment—that although, as my right hon. Friend truly says, the Church Establishment might exist and flourish, even if there were no church rates—yet the ground on which church rates have been objected to—objected to upon principle—objected to upon conscientious grounds—is not so much that they are a very peculiar and odious and vexatious burden, but that they do form part of the funds of an endowed and established Church. I will take the words of the hon. Member for Southwark before the Committee in 1851, who, after stating the particular objections which applied to his own parish, said:—"There is also the circumstance that Dissenters object on principle to the payment of church rates. That principle, I consider, leads to other objections against the union of Church and State. They are placed in a position of inferiority, and therefore they have not only religious but strong civil objections." Now that is an objection not to this particular burden, not to this particular rate or tax, but to this rate or tax as forming part of the funds of a Church which is endowed and established, and which has long been endowed and established, and is thought to place Dissenters in a situation of inferiority. I am not now going to argue the great questions of the Church Establishment and the voluntary principle. But what I wish the House to keep in view is this—that this is not a tax that is considered odious and oppressive in itself, so that if you take it away all persons professing to be Dissenters will be satisfied; but that it is in their view part of a system which is in itself odious and objectionable; and, therefore, by taking away this part of it you will immediately produce not a uniform state of peace, tranquility, and contentment, but you immediately open the ground for some fresh attack upon some other part of the Establishment which is considered opposed to rights and principles which ought to remain sacred. Well, it may be a wise policy or it may not be a wise policy to abandon these church rates; but I do not think the general who has to defend a fortress is apt to say, "I will abandon the outwork, and then the citadel will be safe." That is not the wisest plan to follow. Such are, I think, the general considerations which the House ought to bear in mind in this question. Now, with respect to the propositions that have been laid before us by the two hon. Gentlemen who have addressed the House in defence of their separate propositions, I own I was much more struck with the force with which each of those hon. Gentlemen attacked the proposition of the other, than I was with the skill with which each defended his own. The hon. and learned Gentleman the Member for Tavistock said, with reference to the proposition of the hon. Member for the Tower Hamlets, "I object to pew rents being universally established—you are making the poor in our country churches pay for admission to those churches; excluding them from the churches unless they pay would be a very great hardship—would be inconsistent with the principles of a Church Establishment, and would practically be very injurious to the Established Church." That was one very strong objection. The hon. and learned Gentleman next said—"I object to the other proposition of the hon. Member for the Tower Hamlets, which proposes to provide substitutes from the Church property, because I think there is so much need of additional means of religious worship and religious instruction, that whatever funds can be raised, or whatever can be added to the value of the Church property, should be applied to that spiritual destitution." I think everything we have heard of late years confirms that objection of the hon. and learned Gentleman. That argument strengthens very much my objection to the proposition of the hon. Member for the Tower Hamlets. But then came in his turn my hon. Friend to deal with the proposal of the hon. and learned Gentleman the Member for Tavistock, and he said, "I think it will be a very great evil to separate the whole community into two bodies, Churchmen and Dissenters. The man who is once registered as a Dissenter, who is marked out as a Dissenter, will become more hostile to the Church than if you leave him in his present state, when, although he goes to a dissenting chapel, he may occasionally be an attendant at the church." Now, in that argument, I think the hon. Member for the Tower Hamlets has the best of the dispute; as the hon. and learned Gentleman almost demolished the proposition of the hon. Member for the Tower Hamlets, so the hon. Member for the Tower Hamlets fired his battery with such effect that the arguments of his opponent were exceeding damaged. My right hon. Friend (Sir G. Grey) has stated his objection to the proposal of the hon. and learned Gentleman. When the same proposition was made in 1849 by Sir W. P. Wood, it was objected to in 1849 by my right hon. Friend, by Sir Robert Peel, who pointed out the same disadvantage of separating formally and by Act of Parliament Churchmen and Dissenters, and it was also objected to by myself. It seems to me that while it would place some persons in a position of hostility to the Church, which they do not now occupy, by excluding them from its services, on the other hand it might act as a penalty on Churchmen—because, although the noble Lord in his pamphlet says that there may be 600,000*l.* a year collected as church rates, and that not more than 80,000*l.* is paid by the Dissenters, yet no man can exactly say what will be the case in a year or two after such a Bill should acquire the force of law. Although there is many a man who belongs to the Church generally, yet his affection to the Church is not such but that he may say, "I can be exempted from the payment of church rates, which I find a very inconvenient payment, by merely writing myself a Dissenter, and registering myself as a Dissenter, and I will take that course." And the man who remained with the Church would perhaps say, "Last year I paid 2*l.*, this year I am charged 4*l.*; what is the reason of that difference?" "Oh, sir," it will be replied, "the reason of that difference is that you remained attached to the Church; your neighbours have gone and freed themselves from church rates, and, therefore, you must pay twice as much as you did last year because you belong to the Established Church." I own it does appear to me that we expose the Established Church to some danger by proceeding in such a manner. At the same time I am so far willing to listen to the Bill, that I shall not object, at least, to its being laid on the table. I cannot conceive its being so much altered and changed as to become a Bill which the House would entertain; and, as at present advised, unless its provisions are very much altered, I could not consent to its passing into a law. Then the question is, what are we to do with regard to this question of church rates. I own I think that the evil, as it at present exists, has been very much exaggerated. In the year 1835, no doubt we continually heard of battles and contests in parish vestries, and of very scandalous scenes; and many persons thought that some remedy was necessary; but the House did not appear inclined to choose either of the remedies then offered, but rather to remain quiescent on the subject; but I must say that from 1840 up to 1853, I do not think many great practical evils have resulted from the present state of the law. I am not saying that the law might not be much improved, or that the jurisdiction of the ecclesiastical courts, so far as respects church rates at least, might not be reconstituted, or, in fact, entirely swept away. I think, also, with respect to the Act of the 10 *Geo.* IV., that, instead of taking away any jurisdiction from the magistrates in question as to the validity of church rates, some authority ought to be allowed to the magistrates in such cases, although there ought also to be some simple mode of appeal and of having the question finally decided without imposing unduly expense and delay upon those who entered upon such litigation. That, I think, was certainly fair; and that, as the hon. Member for the University of Cambridge (Mr. Wigram) has stated, might be done without infringing upon the general state of the law. I do not think we are quite ready for legislation, even of that kind yet; because I think it desirable that in the long-disputed and celebrated Braintree case, the law should be law down by the highest judicial authority in this country, the House of Lords, before we proceed with legislation. But what is the present state of this question? It is this: that with regard to most of the large towns where there has been an opposition to church rates, that opposition has been successful, and no church rates are levied. On the other hand, where there is a willingness to pay church rates throughout the rural districts, those rates have been levied. I am told that, because it has been proved that there has been a voluntary effort made by Churchmen, or was likely to be made, in towns where church rates have been refused, that, therefore, nothing is more simple and easy than to part at once with this 300,000*l.* or 600,000*l.* a year, whichever it may be, and have the deficiency supplied in the same manner as in the case of dissenting communities, and also in the cases where church rates have been refused. But I think the House ought to consider, and that the Protestant Dissenters themselves ought to consider, that the real cases are often very different from those which are cited as examples. Both in the case of those large towns where church rates have been refused, and in the cases in which the Dissenters provide for their own places of worship, the fact is generally this—that there is a place of worship sufficient to accommodate those persons who form the congregation, and that there is no difficulty in keeping it in repair; but with regard to the churches generally, in the country districts especially, it must be remembered that these fabrics were not originally intended for a small portion of the community, for a single sect, or even for a majority of the population; but they were the places of public worship intended for the nation at large; and I do think that as regards Churchmen it would be a hardship—as regards the nation it would be a shame and disgrace—if a certain number of persons only in a district were obliged to keep up large edifices which required heavy sums to be spent on repairs, and if you should run the risk of those which are, in fact, national edifices falling into a state of ruin in consequence of neglect. You provide against that by the present system of church rates; you have a remedy at present as the law exists. I must, therefore, own that I would rather the law should remain for the present in the state in which it is, than that we should adopt either of the remedies proposed to-night; and I do request the House to be aware how they give authority and sanction to doctrines which, although they may not appear upon the face of the proposition, would be said to be carried by the votes of the House, if you agreed to such a Motion as that of my hon. Friend the Member for the Tower Hamlets. I have read certainly with great interest the pamphlet of the noble Lord opposite, who has summed up, with great accuracy and in a very logical manner, both the history and the arguments which have lately been placed before Parliament on the subject of church rates. But more than once I observed that the noble Lord states a principle which I think would go much farther than he himself, and, I believe, the House would be disposed to go. I see that in one passage—there are several similar to it, with which I will not trouble the House—the noble Lord says, "As a matter of justice it is felt to be a wrong to call upon a man to pay for the propagation of opinions in which he does not share." To the application made by the noble Lord of his argument—namely, against the more rigorous enforcement of the law regarding church rates, I am as little inclined as he is to object; but if you do lay it down as a principle that it is unjust and a wrong to call upon men to pay for the propagation of opinions in which they do not share, why that principle goes to the whole foundation of Church establishments. There are some Gentlemen who no doubt concur in that view; but that, I have said, is far too large, and wide, and important a matter to be gone into upon the present occasion, and this debate does not directly raise that question. But let the House not conceal from itself the importance of these subjects; and that, if we lay down the abstract principle that it is wrong to call upon a man to contribute for the spread of principles from which he disagrees, then none but Churchmen ought to be called upon to pay tithes—none but Churchmen ought to be called upon in any way for the support of the Established Church; and if that principle be conceded, it strikes at the root of the Established Church throughout the whole of the United Kingdom. That being the case, Sir, I trust, while this House will be ready to listen to any practical remedies which may be proposed for lessening the evils attendant upon the levying of church rates, that if they wish to maintain the principle of an Established Church, they will not countenance doctrines inconsistent with it.

Mr. BRIGHT said, that the noble Lord had pointed out how the movers of both the propositions before the House had destroyed each other's arguments; but the noble Lord himself had not been always so consistent upon this matter as not to be in some degree obnoxious to the same charge as he had brought against these two hon. Members. If he recollected rightly in 1837 the noble Lord was a party to a proposition made in that House, which was precisely the same as the Motion now made by the hon. Member for the Tower Hamlets; and in 1849 the noble Lord stoutly opposed the proposition which Sir W. Page Wood then made, which proceeded on the principle involved in the Bill of the hon. and learned Member for Tavistock (Mr. R. Phillimore); but to-night he objected altogether to the Motion of the hon. Member for the Tower Hamlets, and said he was willing to admit a first reading of the Bill of the hon. and learned Member for Tavistock. It appeared that, upon this question, as upon some others, the noble Lord had not made much progress lately, for he seemed to suppose that the objections he had taken that night were so insurmountable, that the church-rate dispute must still remain open and unsettled. He (Mr. Bright) was glad, however, that this question had been brought forward, and the course which the debate had taken was gratifying, because it showed that the House, with the exception of the hon. Baronet below him (Sir R. H. Inglis), and the hon. and learned Gentleman who represented the other University, Mr. Wigram, was arriving at more rational views, and that this subject was becoming more simplified. He was sorry that in the Universities, opinions which were now obsolete with most men, were still found to linger; and he believed that if this country had been governed upon the opinions prevalent in the Universities, it would have remained Roman Catholic in religion, and Austrian in politics, till this day. He was quite ready to admit that there appeared to be objections to both the plans before the House. He did not quite see the force of the objection to the whole system of pew rents. He had not so much right to speak upon that point as if he had been a member of the Established Church; but he had yet to learn that the churches in places where there were no dissenting chapels (in which the pew rent system most prevailed) were more frequented by the poor than the chapels were; and he did not believe that the people abstained from attending a place of worship merely because of a payment being levied according to the circumstances of the persons, which was the practice pursued in dissenting chapels. With regard to the Bill of the hon. and learned Gentleman (Mr. R. Phillimore) there were grave objections to it, and although he might feel those objections as a Dissenter, yet if he were a Churchman he would feel their gravity still more, because the hon. and learned Gentleman repudiated the nationality of the Establishment. But there had been another plan proposed with regard to church rates. Hon. Members from Ireland would remember that a church cess used to be levied in that country, where the objection to the tax was greater, because the proportion of Dissenters from the Established Church was larger. But the Government abolished the church cess in Ireland, and by the better management of church property, and placing the funds in the hands of a Commission, they provided for the maintenance of the fabric of the Church. Why was the same thing not done in this country? The noble Lord said that whatever funds had accumulated in the hands of the Ecclesiastical Commissioners in England were required for the extension of spiritual instruction in quarters where there existed spiritual destitution. He (Mr. Bright) admitted that there was room for the application of the existing funds in that manner; but so long as enormous sums were employed by the Commissioners in providing gorgeous residences for the members of the episcopal bench—far more than, he believed, in the opinion of conscientious Churchmen themselves were necessary, and far more than in his own opinion were consistent with the simplicity enjoined by Christianity upon its professors — and so long as the Government thought it satisfactory to give an archbishop 15,000*l.* a year, as the noble Lord did in his last appointment to the primacy of the Church—a sum far greater than the Prime Minister or any Secretary of State received—so long as that was the case he (Mr. Bright) should consider it might be impossible, out of the other resources of the Church, to find a sum to maintain the fabrics of the Church. And again, it should be borne in mind that the 300,000*l.* or 600,000*l.*, or whatever was the amount of church rates raised yearly, was at present a great deal wasted. In his own parish 700*l* of church rates used lately to be levied; but recently, by having the matter looked into, it had been brought down to 150*l.*, and the Dissenters were no longer troubled by a demand for this impost; and last Easter each of the two sets of candidates who stood for the office of churchwarden claimed the support of the parishioners on the express ground that they never would make any further call for church rates. He spoke of Rochdale, which had a population of between 70,000 and 80,000 souls. He believed that the voluntary principle was taking as extensive root amongst the members of the Established Church themselves as among the dissenting bodies, and of that being the fact he thought there was evidence everywhere. Take the case of the city of Manchester. There, out of about fifty churches, there was only one not supported by voluntary contributions; and in Rochdale, there was only one church that was supported by church rates. So with regard to the Free Church in Scotland—it had been recently stated at a meeting in Edinburgh, that the voluntary principle within the last six years had done more to provide places of worship and religious instruction for the people, than the Establishment had in three centuries. All we saw in Scotland showed how wholly unnecessary compulsory rates were to any sect. In Ireland, again, we saw that that portion of the population which was poorest had built chapels in the most out-of-the-way places, where it was a puzzle how they obtained funds. But not only had they done this where there was but a sparse population — in many places they had built large churches and cathedrals, thus showing their zeal and the way in which they could contribute to the religion to which they were attached. Take then the case of Wales. There eight-tenths of the population were dissenting bodies, and there was scarcely a hill-side or a valley in which one did not find the chapel of some dissenting sect. In Merthyr Tydvil, when he was there seven years since, there was only one Established Church; but there were actually twenty dissenting chapels supplied and built entirely by voluntary contributions. His conclusion from this was that really the question of church rates, if the House would but grapple with it, would be very easily settled. There was one mode of dealing with it, proposed by a Government of which the noble Lord was a Member, which calculated 250,000*l.* as enough to maintain the fabric of the Church, and proposed to take that out of the improvement and due application of her property. Supposing the House not to approve that, they might pass a Bill for the simple purpose of abolishing church rates, and in that case he would undertake to say that by the voluntary contributions of the persons who attended the churches throughout England and Wales, either by periodical contributions or by contributions on occasions when a sermon was preached for that purpose, they would raise in every parish as much money as would be necessary fairly to support the fabric of the Church. And if he were a Churchman—such was his confidence in the liberality of those who went to church, if that liberality were relied upon—he should have no hesitation in relieving from the burden of church rates those who were not members of the Church. The Church ought, in this respect, to be thrown upon her own resources; and he said that that Church could not be worth support if she was so deadened to zeal, so careless of her faith, and had so destroyed the vitality of her people, as not to do that which was done by the Free Church of Scotland, by the poor population of Wales, and by the trampled-on and insulted Catholics of Ireland. Did any man suppose that a substitute for the church rates could be voted out of the Consolidated Fund? No Government, however strong, dare propose it; and if that were impossible, what was to be their resource? It must be found either in the fruits of a better administration of the funds of the Church, or in the voluntary contributions of her congregations throughout the country. He should be content with either of those propositions; and to one of them they must ultimately have recourse. It would appear, from what had fallen from the noble Lord and from the right hon. Member for Morpeth (Sir George Grey), that as this question was settled in most of the large towns, as there were no serious agitations on it just at present, it did not require the attention of the House. Why, if in those towns the church-rate question was settled, it was settled contrary to the spirit of the existing law, and by the fact of the Dissenters and what were called the liberal Churchmen having united together to put an end to the system. But where there was one such parish, one parish which escaped church rates, there were more than ten in which this grievance remained, and the House, therefore, must not for a moment suppose that this was not a question still having great interest for the people, and still demanding a just and fair settlement. He asked Churchmen, then, whether it would not be better for the true and lasting interests of their Church to get rid of it finally, and for ever? From all that he had heard, the House was now more ready than it ever had been to deal with and to decide the question. He urged them to do so, and felt sure that the pleasure they would thus give would not be confined to Dissenters, but would be largely shared in by those who were members of the Church. As regarded the Resolutions, if that of the hon. Member for the Tower Hamlets were carried, he presumed that that hon. Member would be ready, in deference to the House, to withdraw that part of it which regarded pew rents. If, however, that Amendment was not carried, and the Bill of the hon. and learned Member for Tavistock was introduced, he confessed he should like to have the interval between this and the second reading to consider its principle. It would be extremely difficult to vote against it, because it did exempt those who were unfairly taxed; still there were, on the other hand, objections to it, and he did not at present see how they were to be overcome.

Mr. R. PHILLIMORE rose to reply, amidst loud cries for a division. He referred to the contradictory objections that had been urged against his measure, as proving that it was one of great moderation. Until yesterday morning he was perfectly ignorant of the provisions contained in Lord Stanley's pamphlet. He contended that his measure had been much misrepresented by the right hon. Member for Morpeth (Sir G. Grey) especially as regarded its operation on Dissenters.

Question put. The House *divided*:— Ayes 185; Noes 207: Majority 22.

List of the AYES.

Acland, Sir T. D.
A'Court, C. H. W.
Adderley, C. B.
Atherton, W.
Baines, rt. hon. M. T.
Bankes, rt. hon. G.
Baring, rt. hon. Sir F.T.
Baring, T.
Barrington, Visct.
Blair, Col.
Boldero, Col.
Booth, Sir R. G.
Bramston, T. W.
Brockman, E. D.
Brooke, Sir A. B.
Bruce, Lord E.
Buck, L. W.
Buller, Sir J. Y.
Burghley, Lord
Campbell, Sir A. I.
Cardwell, rt. hon. E.
Cavendish, hon. C. C.
Cayley, E. S.
Charteris, hon. F.
Cholmondeley, Lord H.
Christopher, rt. hn. R. A.
Clive, hon. R. H.
Clive, R.
Cobbold, J. C.
Cocks, T. S.
Coles, H. B.
Colville, C. R.
Coote, Sir C. H.
Corry, rt. hon. H. L.
Cowper, hon. W. F.
Cubitt, Ald.
Davies, D. A. S.
Dent, J. D.
Dering, Sir E.
Disraeli, rt. hon. B.
Duckworth, Sir J. T. B.
Egerton, Sir P.
Egerton, W. T.
Egerton, E. C.
Elliot, hon. J. E.
Esmonde, J.
Euston, Earl of
Fellowes, E.
Ferguson, Sir R.
Fitzgerald, W. R. S.
Fitzroy, hon. N.
Follett, B. S.
Forester, rt. hon. Col.
Forster, Sir G.
Frewen, C. H.
Gallwey, Sir W. P.
Galway, Visct.
George, J.
Gladstone, rt. hon. W. E.
Gladstone, Capt.
Graham, rt. hon. Sir J.
Graham, Lord M. W.
Granby, Marq. of
Greenall, G.
Greene, T.
Grenfell, C. W.
Grogan, E.
Grosvenor, Earl
Hale, R. B.
Hamilton, G. A.
Hanbury, hon. C. S. B.
Harcourt, G. G.
Hayes, Sir E.
Hayter, rt. hon. W. G.
Heathcote, Sir G. J.
Heathcote, G. H.
Heneage, G. H. W.
Heneage, G. F.
Herbert, rt. hon. S.
Hervey, Lord A.
Hildyard, R. C.
Hughes, W. B.
Hume, W. F.
Ingham, R.
Jermyn, Earl
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Jones, D.
Kelly, Sir F.
Keogh, W.
Kingscote, R. N. F.
Kirk, W.
Knightley, R.
Lacon, Sir E.
Langton, W. G.
Lawley, hon. F. C.
Lewisham, Visct.
Liddell, H. G.
Lindsay, hon. Col.
Lockhart, W.
Long, W.
Lovaine, Lord
Lowe, R.
Lowther, hon. Col.
Lytton, Sir G. E. L. B.
Macartney, G.
MacGregor, J.
Manners, Lord G.
Manners, Lord J.
Masterman, J.
Maxwell, hon. J. P.
Meux, Sir H.
Miles, W.
Michell, W.
Molesworth, rt. hn. Sir W.
Moncreiff, J.
Montgomery, Sir G.
Moody, C. A.
Morgan, C. R.
Mulgrave, Earl of
Mullings, J. R.
Mundy, W.
Murphy, F. S.
Naas, Lord
North, Col.
Ossulston, Lord
Paget, Lord A.
Pakington, rt. hn. Sir J.
Palmer, R.
Palmerston, Visct.
Parker, R. T.
Peel, Sir R.
Peel, F.
Peel, Col.
Percy, hon. J. W.
Philipps, J. H.
Portal, M.
Portman, hon. W. H. B.
Repton, G. W. J.
Rolt, P.
Rumbold, C. E.
Russell, Lord J.
Russell, F. C. H.
Sandars, G.
Sawle, C. B. G.
Seaham, Visct.
Seymer, H. K.
Seymour, Lord
Smijth, Sir W.
Smollett, A.
Somerset, Capt.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stafford, Marq. of
Stanhope, J. B.
Stanley, Lord

Stephenson, R.
Stirling, W.
Strutt, rt. hon. E.
Stuart, H.
Talbot, C. R. M.
Thesiger, Sir F.
Tollemache, J.
Towneley, C.
Trollope, rt. hon. Sir J.
Turner, C.
Tyler, Sir G.
Vance, J.
Vane, Lord A.
Vivian, J. E.
Vyvyan, Sir R. R.
Walcott, Adm.
Walpole, rt. hon. S. H.
West, F. R.
Whitbread, S.
Whitmore, H.
Wood, rt. hon. Sir C.
Wortley, rt. hon. J. S.
Wrightson, W. B.
Wyndham, Gen.
Wynne, W. W. E.
Yorke, hon. E. T.
Young, rt. hon. Sir J.

TELLERS.

Phillimore, R. J.
Bruce, H. A.

List of the NOES.

Adair, H. E.
Aglionby, H. A.
Alcock, T.
Anderson, Sir J.
Archdall, Capt. M.
Arkwright, G.
Bagge, W.
Bailey, C.
Ball, E.
Barnes, T.
Barrow, W. H.
Bass, M. T.
Beaumont, W. B.
Bell, J.
Bennet, P.
Bentinck, G. W. P.
Berkeley, hon. H. F.
Berkeley, hon. C. F.
Bethell, R.
Biddulph, R. M.
Biggs, W.
Blackett, J. F. B.
Bland, L. H.
Bonham-Carter, J.
Booker, T. W.
Bouverie, hon. E. P.
Bowyer, G.
Boyle, hon. Col.
Brady, J.
Brand, hon. H.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Brown, W.
Bulkeley, Sir R. B. W.
Burroughes, H. N.
Butler, C. S.
Butt, I.
Byng, hon. G. H. C.
Cairns, H. M.
Cavendish, hon. G.
Chambers, M.
Chambers, T.
Chaplin, W. J.
Cheetham, J.
Chelsea, Viset.
Clifford, H. M.
Cobbett, J. M.
Cobden, R.
Coffin, W.
Collier, R. P.
Craufurd, E. H. J.
Crossley, F.
Currie, R.
Dalrymple, Viset.
Dashwood, Sir G. H.
Davison, R.
Denison, J. E.
Divett, E.
Duffy, C. G.
Duke, Sir J.
Duncan, G.
Duncombe, T.
Dunlop, A. M.
East, Sir J. B.
Ellice, rt. hon. E.
Ellice, E.
Evans, Sir De L.
Ewart, W.
Farnham, E. B.
Farrer, J.
Fergus, J.
Ferguson, J.
Fitzgerald, J. D.
Fitzgerald, Sir J. F.
Floyer, J.
Foley, J. H. H.
Forster, C.
Forster, J.
Fortescue, C.
Fox, W. J.
Gardner, R.
Gaskell, J. M.
Geach, C.
Gibson, rt. hon. T. M.
Glyn, G. C.
Goddard, A. L.
Goderich, Viset.
Gooch, Sir E. S.
Goodman, Sir G.
Gower, hon. F. L.
Greaves, E.
Greene, J.
Gregson, S.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Gwyn, H.
Hadfield, G.
Hall, Sir B.
Halsey, T. P.
Hanmer, Sir J.
Harcourt, Col.
Hardinge, hon. C. S.
Hastie, A.
Hastie, A.
Headlam, T. E.
Heywood, J.
Heyworth, L.
Hindley, C.
Hotham, Lord
Howard, hon. C. W. G.
Hume, J.
Hutchins, E. J.
Hutt, W.
Inglis, Sir R. H.
Keating, H. S.
Kendall, N.
Kennedy, T.
Kershaw, J.
King, hon. P. J. L.
Kinnaird, hon. A. F.
Knatchbull, W. F.
Laffan, R. M.
Langston, J. H.
Langton, H. G.
Laslett, W.
Layard, A. H.
Lee, W.
Lucas, F.
Mackie, J.
M'Cann, J.
M'Gregor, J.
Maddock, Sir H.
Maguire, J. F.
Martin, J.
Massey, W. N.
Meagher, T.
Miall, E.
Milligan, R.
Mills, T.
Milner, W. M. E.
Mitchell, T. A.
Moffatt, G.
Morris, D.
Mostyn, hon. E. M. L.
Muntz, G. F.
Murrough, J. P.
Newark, Viset.
Newdegate, C. N.
Norreys, Lord
Oakes, J. H. P.
Oliveira, B.
Osborne, R.
Paget, L. G.
Pechell, Sir G. B.
Pellatt, A.
Pennant, hon. Col.
Phillimore, J. G.
Phinn, T.
Pigott, F.
Pilkington, J.
Price, W. P.
Pritchard, J.
Ramsden, Sir J. W.
Ricardo, O.
Robartes, T. J. A.
Robertson, P. F.
Sadleir, J.
Scholefield, W.
Scobell, Capt.
Scully, F.
Seymour, H. D.
Seymour, W. D.
Shelley, Sir J. B.
Sheridan, Sir R.
Smith, J. B.
Smith, M. T.
Smith, rt. hon. R. V.
Smith, W. M.
Strickland, Sir G.
Stuart, Lord D.
Sullivan, M.
Swift, R.
Tancred, H. W.
Taylor, Col.
Thicknesse, R. A.
Thompson, G.
Thornely, T.
Vansittart, G. H.
Vivian, J. H.
Vivian, H. H.
Waddington, H. S.
Wall, C. B.
Walmsley, Sir J.
Walter, J.
Warner, E.
Whalley, G. H.
Whatman, J.
Wickham, H. W.
Wigram, L. T.
Wilkinson, W. A.
Willcox, B. M.
Williams, W.
Winnington, Sir T. E.
Wise, A.
Woodd, B. T.
Wyvill, M.

TELLERS.

Clay, Sir W.
Peto, S. M.

Question proposed—

"That the words 'this House do resolve itself into a Committee, to consider whether church rates should not be abolished, and provision made for the charges to which such rates are at present applicable—from pew rents, and from the increased value which inquiries instituted by authority of the Crown have shown may be derived, under better management, from church lands and property,' be added to the word 'that' in the original Question."

Amendment proposed to the said proposed Amendment—

"To leave out from the word 'House' to the end of the said proposed Amendment, in order to add the words 'is of opinion that the present mode of levying church rates for the repairs of the edifices, and for the service of the Church of England, shall henceforth cease, as by law has been already accomplished in Ireland; and that the amount required for the service of the Church should in future be supplied from the funds belonging to the Church of England, and at the disposal of the Ecclesiastical Commissioners,' instead thereof."—*Mr. Hume.*

Question proposed, "That the words proposed to be left out stand part of the said proposed Amendment."

Amendment, by leave, *withdrawn;* Words *added.*

Main Question, as amended, put—

"That this House do resolve itself into a Committee, to consider whether church rates should not be abolished, and provision made for the charges to which such rates are at present applicable—from pew rents, and from the increased value which inquiries instituted by authority of the Crown have shown may be derived, under better management, from church lands and property."

The House *divided:*—Ayes 172; Noes 220: Majority 48.

NEW WRIT FOR PLYMOUTH.

SIR JOHN BULLER then moved the issue of a new writ for the borough of Plymouth, in the room of Mr. Mare, whose election had been determined to be void. The Committee which sat upon the election petition had reported that they saw no reason to delay the issue of the writ.

LORD JOHN RUSSELL thought it was rather premature to issue a new writ while a Committee was sitting, under the Act of 1842, to inquire into the state of bribery in the borough of Plymouth.

SIR FREDERIC THESIGER said, that it was provided by that Act that the reassembling of an Election Committee should not delay the issue of the writ.

MR. AGLIONBY said, that the Plymouth Election Committee had made no recommendation whatever with respect to the issuing of the writ, preferring to leave the matter entirely in the discretion of the House. But he had no hesitation in saying that the individual feeling of every Member of the Committee was in favour of the writ being issued.

Motion *agreed to.*

THE BERWICK-UPON TWEED ELECTION.

MR. MITCHELL then moved that the Select Committee upon the Berwick-upon-Tweed Election Petition should consist of the following Members:—Mr. Thomas Mitchell, Mr. Edmund Denison, Mr. Mullings, and Mr. Collier.

SIR WILLIAM JOLLIFFE said, that great inconvenience had arisen in former and in the present Sessions, in consequence of Committees having been nominated by Members who were interested in the charges brought before them; and the practice had led to the decision of the Committee having been received with want of respect. He would, therefore, move as an Amendment, "That it be an Instruction to the General Committee of Elections to select a Chairman and four other Members to be the Select Committee on the Berwick-upon-Tweed Election Petition, and that the Members so selected do constitute the said Committee, and that they have power to send for persons, papers, and records." He thought that in cases where parties brought forward Motions and expressed strong opinions in regard to matters in which the personal honour of other parties was affected, some other means of appointing the Committee of Inquiry than the nomination of the person bringing forward these charges should be resorted to. The course which he recommended in this instance was quite in accordance with that which was followed on the suggestion of the noble Lord the Member for London, in the case of the Stamford petition, in 1848.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR J. TROLLOPE would remind the House that the duties of the Committee of Elections were laid down and defined in the Act of Parliament. Those duties had been infringed in the case of the Derby inquiry by the desire of the House, although the Committee was not actually in existence at the time, not having been sworn. He wished to remind the hon. Baronet the Member for Petersfield (Sir W. Jolliffe) that upon that occasion the House had expressly desired the Committee of Selection to nominate the Members to conduct the inquiry. If it was the pleasure of the House that the General Committee of Elections should undertake this duty, he would not, as their Chairman, oppose it, but he gave this assent under protest that this was a departure from the duties expressly prescribed for them by Act of Parliament.

MR. MITCHELL would leave the matter entirely in the hands of the House; but he would ask the hon. Baronet the Member for Petersfield (Sir W. Jolliffe) how the inquiry was to be conducted, if the Members who were cognisant of the facts of the case were excluded; for it must be recollected that no lawyer would appear before such a Committee as the present.

MR. BRIGHT, while approving of the

appointment of the Committee by the General Committee of Elections, still thought that some Members who were acquainted with the facts of the case, and were therefore able to conduct the inquiry, should be placed upon it.

SIR JAMES GRAHAM concurred in the observations of the hon. Member for Manchester, that when a charge affecting the personal honour of a Gentleman not present was made, and when the person who preferred the accusation was a Member of the House, it would be unseemly to allow that Member to form one of the tribunal. On the other hand, if justice were to be done, there would be great disadvantage in forming a tribunal without any Members who were cognisant of the facts to elicit the truth. He recollected an inquiry into a matter concerning the personal honour of two Members of that House, which arose out of an Irish election. In that case an impartial tribunal was chosen, much in the manner recommended by the hon. Member for Petersfield, but in addition to the Committee so chosen, a Member, a friend of each party, was present, in order to examine the witnesses. He forgot whether they had voices in the Committee or not. He thought in this case a fair tribunal would be constituted if a Committee of five were appointed, and the hon. Member for Bridport (Mr. Mitchell) to be added, together with another Member, a friend of Mr. Hodgson's.

MR. S. WORTLEY instanced the case of the Stamford inquiry, in which he had conducted the case on one side, as a precedent.

SIR JOHN TROLLOPE said, that if the suggestion of the right hon. Baronet (Sir J. Graham) were adopted, the Committee must consist of more than five Members. In the case of the Stamford inquiry the Committee consisted of eight and the Chairman.

MR. MITCHELL expressed his readiness to adopt the suggestion of the right hon. Baronet.

SIR J. PAKINGTON was a Member of the Stamford Committee, the number of which was nine, one Member, Sir W. P. Wood, conducting the inquiry on one side, and the hon. Recorder for London on the other. He thought the best plan would be to adopt the mode suggested by the hon. Baronet the Member for Petersfield, that a Committee should be appointed in the first instance by the Committee of Elections, and that then a Member on each side should be added, for the purpose of conducting the inquiry.

Ordered—

"That it be an Instruction to the General Committee of Elections, to select a Chairman and six other Members to be the Select Committee on the Berwick-upon-Tweed Election Petition; and that the Members so selected do constitute the said Committee, and that they have power to send for persons, papers, and records."

The House adjourned at Two o'clock.

HOUSE OF LORDS,

Friday, May 27, 1853.

MINUTES.] *Took the Oaths.*—The Lord Kilmaine.

PUBLIC BILLS.—3ª County Elections Polls (Scotland).

CRYSTAL PALACE (SYDENHAM).

The EARL of SHAFTESBURY *presented* a petition from Chaplains of Her Majesty's Prisons in and near the Metropolis against the opening of the Exhibition (Sydenham) on any part of the Lord's Day.

LORD BROUGHAM *presented* a petition of a different nature, from a Gentleman who certainly was well entitled to be heard on any subject connected with education, having been one of its greatest promoters not only in England but in Europe—he meant Mr. Robert Owen. That gentleman stated in his petition, that he considered that the Crystal Palace was better adapted for the education of the working classes and the poor, than any other means that could be resorted to; and he prayed their Lordships, therefore, that the Crystal Palace might be opened on Sunday, though not at such times as to interfere with divine service. He believed that exhibitions of this kind, would prove a great check on the temptations held out by the gin palaces, and would lead the lower classes to look to higher sources of enjoyment. He was shocked to perceive, from statistics lately published in Scotland, the extent to which this vicious habit was carried in that country. In Glasgow, the people began upon Saturday, and continued over Sunday immured in those receptacles of debauchery and immorality. In Edinburgh, a calculation had been made upon exact enumeration, and it had been found that upon one Sunday, the frightful number of 44,000 persons entered the doors of the public-houses in that city on the Lord's Day. Mr. Owen and others—for he was not singular in his views—were of opinion, that it would be impossible to devise a worse mode of keeping the Sabbath than at present, and that it would be far better and more useful if people would resort to such places as the Crystal Palace. He (Lord Brougham) had always been of opinion that the Crystal Palace was likely to be in other respects highly beneficial, and, above all, he was anxious to set up the Crystal Palace as a rival of the gin palace. The only question was, whether it ought to be opened on the Sunday. In favour of that view he had adduced the Scotch statistics, and he would only further mention the authority of the Rev. J. Griffith, the venerable incumbent of Aberdare, in North Wales, a parish in which there were more extensive mining operations carried on than in almost any other in the kingdom, and in which there were 16,000 workmen. That clergyman was a very great enemy to shutting up the Crystal Palace on the Sunday, except during divine service; and he was further in favour of Sunday trains, stating that, were it not for them, we should have ten times more Sabbath-breaking in this country than at present.

Petitions ordered to lie on the table.

RUSSIA AND THE PORTE.

The EARL of MALMESBURY: My Lords, I must beg pardon of your Lordships for proposing to transpose the order of the notices which I gave your Lordships for this evening; but I believe that it will be more convenient to my noble Friend opposite (the Earl of Clarendon) that I should commence the business of the night by putting the question to him which stands upon the Votes, with reference to the negotiations now pending between Russia and the Porte. Your Lordships, in common with the public, must have been for the last fortnight well aware of the importance of the affairs now said to be going on at Constantinople. We have heard that negotiations of a most important character have been proceeding there for some short time; but we have received no account as yet which can reassure the public mind with respect to the issue of those proceedings. My Lords, upon the 25th of April the noble Earl opposite, the Secretary of State for Foreign Affairs, in answer to a question which was put to him, reassured the public and the House by telling us that he had received the most solemn promise from the Emperor of Russia with respect to his intentions and propositions—his intentions towards the Porte, and his propositions to that Power. I was, unfortunately, not present myself, when the noble Earl (the Earl of Clarendon) spoke upon that occasion, because no notice had been given by the noble Marquess (the Marquess of Clanriçarde) of the question he was about to put. I was consequently absent—a circumstance which I much regret, seeing that the whole question was peculiarly interesting to me. But, upon that occasion what the noble Earl stated to the House certainly reassured us with respect to any suspicions that might have been entertained of the policy and intentions of Russia towards the Ottoman Porte. I regret to say—a regret which is shared in common with me by thousands in this country—that whatever may be the issue of the events, appearances have not as yet justified the promise held out to the public by the noble Earl. We understood, if we understood anything, that the object of the embassy of Prince Menschikoff to Constantinople was principally to settle disputes concerning the Holy Shrines with the French Government. If his object were confined to that point, it was clear to everybody that England could have no interest, personally, in the matter; and therefore, if no other question were to be considered at Constantinople, we, when we heard that statement, were reassured upon the subject. But since the speech of the noble Earl, namely, upon the 5th of this month, I believe, Prince Menschikoff, having settled his differences with the French Government and the Ottoman Porte on the question of the Holy Shrines, came forward with a perfectly different and new proposition, involving other points of much greater importance to Europe generally and to this country, of course, as one of the great Powers of Europe. Of course, I speak, my Lords, under correction, because what I say upon the subject with respect to the facts of the propositions of Prince Menschikoff, I have only learnt from the same sources which are open to all your Lordships; but I have not seen the statements contradicted, as they probably would have been if they had been incorrect. It appears, then, that upon the 5th of May Prince Menschikoff proposed to, or rather, I should say, demanded of the Ottoman Porte that a convention should be signed between the Sultan and the Emperor of Russia securing to the Greek subjects of the Porte all the privileges and immunities which they had enjoyed at any time previous to the present Sultan's reign, or which by himself had been granted to those subjects, and accepting Russia as the guarantee, through a treaty, for seeing those privileges and immunities perpetually secured. I will not detain your Lordships by describing what I consider the result of such a treaty would be if it were signed by those two Powers, further than to say that I consider it exactly analogous to a proposition or demand being made by some great Catholic country to the Sovereign of England insisting that our Sovereign should sign with them a treaty which should secure to our Roman Catholic subjects in Ireland the immunities and privileges which Parliament has hitherto granted them—privileges like those given by the Bill of 1829, and others of a similar nature. My Lords, it must be evident to all your Lordships, that if such a treaty as that Prince Menschikoff has proposed were signed between Turkey and Russia, Russia would become the arbiter between the Sultan and his subjects—would become, indeed, *de facto* the ruler of a great part of that Sovereign's subjects; and I need not tell your Lordships what effect that must have upon the general balance of power in Europe, and upon all those opinions which, I believe, are entertained upon both sides of the House with respect to the great importance of keeping the Turkish empire in a state of integrity and independence. Another remarkable circumstance with reference to that proposition is, that it was made at once an *ultimatum.* I do not pretend to any great experience in diplomatic customs, but it certainly struck me as most unusual that the first proposition should be at the same time an *ultimatum.* If a treaty had been violated, or if there had been any dispute as to the interpretation of a treaty, I could understand that a proposition might be made in an arbitrary manner demanding an *ultimatum.* But this was entirely a new proposition. It had never been heard of, or suspected, or apprehended before; and the way, as I understand it, if I am rightly informed, in which it was proposed to the Porte, was in the offensive character of an *ultimatum.* The questions which I wish to put the noble Earl are, in the first place, whether I have given a correct description of the demands made by Prince Menschikoff upon the Porte; and, in the next place, whether, considering as I do, that the interests of France and this country are identical upon this subject—I do not mean with reference to the Holy Shrines, but with reference to the proposition of Prince Menschikoff—considering, I say, that our interests are identical, I wish to ask the noble Earl whether the instructions given to Lord Stratford are identical with those given to the French Ambassador at Constantinople—whether these two diplomatists are acting in union upon this matter—and whether, when thus acting under their instructions, they are supporting the credit and independence of the Porte?

The EARL of CLARENDON: My Lords, I can assure your Lordships that there is no unwillingness on my part to answer the inquiries which have been addressed to me by my noble Friend opposite, still less to withhold from your Lordships any information upon a subject with respect to which, as my noble Friend said, you must naturally be most anxious, and which has claims of an important nature upon your attention. I am sure, therefore, I shall not be accused of a want of courtesy to my noble Friend who so recently filled the office which I have now the honour to hold, or to your Lordships, if I ask him not at this time to press for information which I believe it would be contrary to the interests of the public service for me to give with respect to negotiations that may still be pending. Your Lordships will, I am sure, still less urge me to express the opinion that my noble Friend has called for, when I tell your Lordships that the dates of the last official despatches which we have received from Lord Stratford are of the 9th of May. A short time prior to that, as my noble Friend has stated, the question of the Holy Places, which involved a grave offence offered to the Emperor of Russia by the violation of an engagement towards him by the Turkish Government, had been satisfactorily settled. I am happy to state that the friendly and judicious offices of Lord Stratford had promoted that settlement, and that those good offices had been duly acknowledged. It is also true, as my noble Friend has stated, that on the 5th of May a project of convention was presented to the Porte by Prince Menschikoff; but it has not been proved that it was presented as an *ultimatum.* It is true an answer was required in five days; but the best proof that it was not an *ultimatum* is, that I believe other notes have since been exchanged. Lord Stratford, writing upon the 9th inst., states, that he is not able to inform us what answer would be given by the Porte; and that is really the whole of the official information that we have received. Other information has of course reached Her Majesty's Government, in common with the public, by means of the electric telegraph, because, now-a-days, no small portion of diplomatic business is transacted by means of that discovery. This is a very useful and convenient appliance in some respects, but it is perplexing in others, because, though it announces facts and events, it seldom announces the causes which have led to those events, and it is difficult to act, therefore, with confidence upon the information which it conveys. Upon the 10th, for instance, we received by the telegraph an announcement that Prince Menschikoff's note had been absolutely rejected by the Porte; but we do not at all know upon what ground the step had been taken. We know, also, that Redschid Pacha is now Minister for Foreign Affairs; we know that a fresh note has been presented, and that a fresh delay has occurred; and we know that on the 20th Prince Menschikoff was still at Constantinople; but we do not know whether all negotiations are at an end. I think I can, therefore, in these circumstances, appeal to your Lordships whether it would not be in the highest degree improper and impolitic on my part if I were to pretend to give a correct account of the events which had occurred at Constantinople, and still more to express an opinion upon them. But, in answer to my noble Friend's question whether the policy to which I alluded in answer to the speech of the noble Marquess near me some weeks ago was still the policy of this country, I conceive it is hardly necessary for me to say that the policy of this Government has undergone no change; that we look upon it as the true policy, and to the manifest advantage of this country, as due not only to our own interests but to the best interests of Europe, and as necessary to its tranquillity, to uphold the independence of the Turkish empire. In answer to the question as to the understanding of the Ambassadors of France and England at the Porte, I have no hesitation in stating that they take the same view of the question, that they act in concert in the matter, and, so far, have carried out the wishes and intentions of their respective Governments, between whom there exists a complete identity of feeling on this subject, and a cordial concert in action.

The Earl of HARDWICKE: My Lords, while I accept the answer of the noble Earl as the only answer he is in a position to give, and will not, of course, press for fuller information, I must at the same time say that I think it will prove very unsatisfactory to the people at large on a question of this nature. It is impossible to look at the whole state of the question with reference to Turkey without remarking with astonishment the manner in which these approaches have been made on the part of Russia to the Sultan. Not only has there been sent as ambassador to Constantinople one of the most eminent officers of the Russian Empire, but he is accompanied with an enormous retinue—the general who commands the forces being one of its members—and officers have been despatched to various parts of the Turkish dominions for the purpose of ascertaining the feelings of the people with regard to their rulers and with regard to Russia; and from the information we possess we are led to believe that a large fleet of ships is ready to act at a moment's notice. Whatever may have been the diplomatic movements, no exertions of any description have been made to meet the emergencies which may follow. What has this country done to extend security to our ancient ally? Where is that active determination which we have heretofore manifested to uphold the independence and integrity of the Ottoman Empire? The impression now made on the mind of the Emperor of Russia must be very different to that made on his mind on a former occasion. It has invariably been the policy of this country not only to hold by the integrity of the Turkish Empire, but from time to time, whenever it has been threatened, we have thought it right to despatch our naval forces in order to show that we were prepared not only to talk but to act. At the latter end of the year 1849, simply because the Sultan refused to eject from his dominions three individuals, we thought it necessary not only to hold the strongest language to both Austria and Russia, but to couple that language with a most powerful and efficient force, which not only appeared in the Archipelago, but actually entered the Dardanelles. The question was at once settled; and I believe if the same course of policy had been pursued in the present instance, we should never have heard threats held out, or seen a demonstration made, of invading the independence of the Porte by the description of embassy which has now visited Constantinople. It is not surprising that the public and your Lordships should feel a deep interest in Turkish affairs. Any one who knows the condition of the Russian force, and the facility with which Constantinople can be reached, must know that if once taken possession of by that Power, it would be utterly in vain to proceed to the rescue. In such an event, Russia would become possessed of the largest maritime places that exist in those countries, and the Emperor could immediately man his ships and increase his forces to an incalculable extent, for he would become the owner and possessor of the great maritime places in the Mediterranean, now held by the Turks, and of the islands of the Greek Archipelago and their race of seamen, the best in that part of the world. I should like to know what would be the inevitable consequences of such a course to this country and France, Our entire system of policy would be overthrown, and in these days we should have a hard fight to maintain our own position.

LORD BEAUMONT: I agree with the noble Earl opposite both in the gravity of the circumstances and the necessity for our being firm and resolute. I go further, and even agree with him in the opinion that if, at an early period, we, in concert with France, had made a demonstration, we might have prevented the difficulties which have arisen, and which now exist. But, though I regret the indecision which marked our actions in the commencement of this serious affair, I have little doubt of the final result, and have no difficulty in placing my firm confidence both in the noble Earl who conducts the Foreign Affairs of the country, and in the noble Lord who is now our representative at Constantinople. When I hear the noble Earl repeat his clear conviction and his resolution to act in conformity with that conviction, as to the necessity of maintaining the integrity of the Ottoman Empire, I can have no doubt that he, and the Government to which he belongs, will exert every means to carry out that resolution, and spare no effort to maintain that integrity; and I have as little doubt that those means will be sufficient, and those efforts successful. I am sure, also, that due instructions have been given to our Ambassador at Constantinople how to act under the various circumstances which may possibly arise. What those instructions are, I know not; but of this I am convinced, that they are such as suit the dignity of this country, and do not derogate from the independence of the Porte. Although I regret to see that the affair has been prolonged, I still feel confident that the result will be that which your Lordships most warmly desire, namely, the maintenance of the independence and integrity of our important ally. I must say, however, that though I regret that this painful affair has been protracted, yet I believe that good has come out of evil, and that something has been gained even by the wrong that has been done. I believe that the insolent act of sending an embassy composed of the commanders of the naval and military forces, and of sending agents throughout the country to ascertain the feelings of the people towards their sovereign, has had a very advantageous result. If I am rightly informed—and I have every reason to believe that my information is correct—the result of the investigation made by the naval and military men both in the capital and in the provinces, has conveyed to the mind of the Russian Minister—and through him will be conveyed to the Emperor of Russia—the conviction that Turkey is not the weak Power he had anticipated, but that she possesses the means of a great and protracted resistance, should the autocrat violate his plighted word, and proceed to hostilities. But something more has been done. Europe as well as the Emperor have been undeceived as to the state of the Turkish population. Throughout the length and breadth of the Turkish Empire the most perfect tranquillity exists; the Sultan's subjects are content with his rule, and prepared to manifest their adherence to his rule. Although the Russian emissaries have been trying to raise up the feeling of the Christian population against the Sovereign, the result has been that the very Christian population itself has declared openly and unreservedly that they prefer to be under the government of the Sultan, rather than under the protection of Russia. More than that—the Synod and Patriarch of the Greek Church have not only emphatically expressed their cordial attachment to the rule of the Porte, whose moderation towards the dissenters from the Ottoman faith who live within its rule is so well known to all travellers within the Ottoman dominions, but have disclaimed the wish to be put under the protection of Russia, declaring that they enjoy the most complete toleration that any religious denomination can enjoy; they assert that the most sincere as well as universal veneration for their liberal and enlightened Sovereign exists amongst the people of all denominations in that country; and with regard to religious feeling, that their rites are never interfered with, but the Greek Churches are assured and confirmed in all their privileges. But still more, the Greek Church—and let the Emperor of Russia know this—does not consider him as the head of the Greek Church, but hold the Patriarch at Constantinople to be the head of that Church. I believe that the result of a full examination into the resources of the Porte would be a conviction that the conquest of Constantinople is not such an easy matter as some politicians seem to think. For my own part, I believe most firmly that at this present moment Turkey is much stronger than she has been for many years back, and that if there is to be a struggle between her and Russia, that struggle will be a very long one. I could easily bring before your Lordships many facts in confirmation of this opinion; but I shall abstain from asking any further explanations from my noble Friend, because I believe he, in common with all of us, has this question truly at heart; and that if he withholds from us any information, he does so on the best grounds, and not that he entertains any doubts with regard to what ought to be the real policy of the country. Although, as I have just said, I readily accept the refusal of my noble Friend to go into the matter further on the present occasion, I am glad the question has been put, because the speech in which the question was conveyed, manifests that if the necessity should arise, Her Majesty's Government, in any more active policy they may deem it expedient to adopt, will receive the support of noble Lords opposite.

Lord **BROUGHAM** suggested the propriety, or at any rate the great convenience, of here closing this discussion, which was premature, at all events, inasmuch as they were in absolute ignorance of nine parts out of ten of the whole facts of the case; and which might be mischievous, inasmuch as there were now pending negotiations on the subject which were as important as they were difficult, and as delicate as they were important. Considering the evident inutility and the possible mischief of such a discussion, he thought they should let it drop.

SUCCESSION TAX ON REAL PROPERTY.

The Earl of **MALMESBURY** moved, that a Select Committee be appointed to inquire into the probable effect of extending to the case of successions to real property and property under settlement the stamp duties now payable in respect of legacies. In bringing forward this Motion, he was not influenced, in the remotest degree, by any party or political spirit, and he could therefore promise that, as far as he was concerned, none such should enter into the discussion of it. His feeling was, simply, that their Lordships' House was the most fitting place for a preparatory inquiry into the very important subject in question, because it evidently was composed of persons the least in the world personally interested in the question. The greater number of their Lordships had already succeeded to the property which they could in the course of nature expect, and therefore they could not be suspected, in discussing the question, of allowing any of those selfish motives to influence them, of which others might, though unjustly, be accused. When the late Government fell, in consequence of their financial policy not being accepted by the House of Commons, it became obvious that one of the very first questions which the succeeding Government must take up, was that of financial policy. His right hon. Friend (Mr. Disraeli), with all his genius and talent, having prepared and brought forward a proposition of finance of such comprehensiveness and magnitude, it was naturally to be expected that his great Parliamentary antagonist would attempt, in an honest and honourable rivalry, to bring forward a measure equally important. He was not surprised, therefore, that Mr. Gladstone should have brought all his powers of mind to bear upon the subject, and originated a proposition of similar magnitude. But he had not expected, any more than their Lordships, any more than the public, or, he believed, any more than some of the right hon. Gentleman's Colleagues, that he would have dealt with the subject of a succession tax on real and settled property, inasmuch as the difficulties of that subject had never been exaggerated, though painted in vivid colours by every statesman whose speeches were left to us for the last century. But the right hon. Gentleman had faced that difficulty; and a Bill was now printed which proposed that a succession tax on real and settled property should become the law of the land. He (the Earl of Malmesbury) at once admitted the justice, abstractedly, of the principle of taxing the succession to one kind of property, if you taxed that to another. But this was not merely an abstract question; it was one of necessity first, and of possibility afterwards. Supposing it to appear absolutely necessary, Parliament had then to consider the difficulties which stood in the way. It appeared to him that this question of a tax on succession to realty was one of which both Houses, and indeed the whole country, were profoundly ignorant—certainly, in comparison with the other great questions to which, of late years, they had applied their attention. It had not been before Parliament since 1796, which involved a lapse of time including two generations; and perhaps that would account for the evident inferiority of the recent debates upon this subject in another place to those upon other subjects, not more important, but upon which there was more general information. That information, sufficient to afford them a fair insight into the probable working of Mr. Gladstone's proposition, it was most desirable that they should in some measure obtain, and nowhere, he thought, could they do so, better than before a Committee of their Lordships' House, to whose Members no personal motives could be imputed, and whose powers would enable them to examine witnesses upon oath. That Committee could examine the first solicitors and conveyancers of the country; men of great experience in these matters, and who could give such information on the subject as would be useful to the Government, to the Opposition, and to all interested in the operation of this measure. For himself, he was not in a position to offer any opposition, for he confessed himself as ignorant as most people must be upon the measure. This much, though, was to be said against it, that we had extant the opinions of men and the history of facts which certainly did not encourage us to proceed—at least not rashly—in supporting Mr. Gladstone's proposition. The question was brought before Parliament on the 21st of April, 1796, when Pitt proposed that a succession tax should be laid on real property. Mark the events then taking place to justify the proposition. Bonaparte was at that moment crossing the Alps into Italy; Nelson had not gained any of those great victories which were to sweep the French navy from the sea. An immense war and an invasion were threatening this country. England stood alone among all nations, as she had lately done to her honour and happiness, the only point on which the hopes of Europe rested. It was impossible for a Minister, under such circumstances, not to feel that any tax which the emergencies of the country required was justified. Mr. Pitt brought forward that proposition. He was met by Mr. Sheridan, by Mr. Grey, and by Mr. Fox. He was defeated, and could not carry this tax even in the plenitude of his power; but the hon. Member said he was beaten by the country Gentlemen. That was not the case. The first person who opposed the proposition was Alderman Newman—a person of great personal property in the city of London; he opposed it with great vehemence, and he made this memorable remark, that if they had the succession tax, this country, which was the best to live in, would be the worst to die in. Mr. Fox and Mr. Sheridan opposed the measure; and he would read the few pithy words in which Mr. Fox expressed his opinion as to a succession tax on realty. He said—"Of all the shapes in which despotism could exist, a tax on the succession to land was the most odious." What did Mr. Sheridan say? He said, that "the present was the most execrable measure of finance that ever came before Parliament." That showed the *animus* of the speakers; and Mr. Fox was no leviathan of land, Mr. Sheridan was no territorial aristocrat; but they were men who opposed injustice wherever they met with it, and detested it the more when it was practised under the garb of official impartiality. The opinions of such men did warrant some apprehension as to the effect of such a tax, and justified him in asking their Lordships, before deciding on the question, to inquire calmly into it. He had no doubt that, if the Committee were granted, they would go into the whole question of the justice of any succession tax at all. It could hardly be avoided, and he saw no objection whatever to that result. He thought a succession tax was one that was commonly called a war tax—one which urgent necessity alone could justify. That was the manner in which it was defended by Mr. Pitt, and he saw no reason for thinking it had changed its nature and properties; but if they went into the question, and also into the justice and policy of a succession tax upon real property as well as upon personal property, they would find the case was one of great difficulty. The first impression made on his mind, when he heard of a succession tax on real property was, that it would at once change the entire character of the estates which were held in this country. Their Lordships did not, as was formerly the case, hold directly under the Crown. In former days the Crown might and did—it was the condition of the tenure—send a commission to have a valuation of the rental of a Lord who had died, and a succession tax upon that was paid; but many of their Lordships had inherited their estates, large and small—and it was the same with the humblest freeholder as with the Peer—absolutely, with a right to give away the same, or mortgage them, as they pleased; but surely now the whole nature of that property would be altered, when they put a tax upon it which was to be paid by the heir before he could take possession of the estate to which he had succeeded: with a succession tax, on the payment of which depended the right to hold the property, the property became of the same nature as that for which a fine was payable on renewal. But he must do the justice to the right hon. Gentleman who proposed this tax to say that he had not overlooked the difficulties of the question, and that some of them had met him in a very disagreeable manner. He had read with very great care the first and second speeches of the right hon. Gentleman on this subject, and, having also read the Bill which the right hon. Gentleman was about to bring into the House of Commons, he found that the right hon. Gentleman had thought fit—and as he considered wisely—to alter it very considerably from what he had at first intended to propose. For example, the right hon. Gentleman intended at one time, after having taken the value of a man's life interest in an estate which he inherited—supposing the estate were entailed—to leave it alone until he converted his estate, or any part of it, into money, and when that took place the succession tax was to be paid on the purchase money received. He saw the right hon. Gentleman had abandoned that point, and he thought he was right, for it would have led to endless litigation and inconvenience. But the right hon. Gentleman was also mistaken in another point. If he understood the speeches of the right hon. Gentleman rightly, the right hon. Gentleman said he considered the term of a generation was thirty years. He was convinced the right hon. Gentleman was wrong in that calculation. Their Lordships well knew that the average at an insurance office of human life, taking one with another, was generally about seven and a half years. They had only to take the record of themselves and their families, called the *Peerage*, and to read fifty pages of that book, and they would find, although their Lordships had the best chance, above all the rest of Her Majesty's subjects, to live long and happy lives, they would see how much the Chancellor of the Exchequer was mistaken in calculating a term of thirty years to a generation, and that the average was twenty-two years. But one of the principal arguments used by the right hon. Gentleman was, that great frauds were committed, and that more stringent, and consequently more expensive, machinery was required to prevent them. He thought the right hon. Gentleman had exaggerated the amount of frauds under the present system. He had seen several solicitors upon this point, and they had all told him that nothing could exceed the exaggeration of the fear that a man would, to evade the succession tax, hand over his property by deed of gift to any person during his own life. Out of five solicitors whom he had spoken to on the subject, there was only one who knew of any such case, and that one, who was in extensive practice, knew but of two such cases in an experience of thirty-four years. But he would point out what appeared to him to be some of the most evident difficulties in carrying out this scheme. If the Bill should pass, let them consider the case of property heavily mortgaged—mortgaged as far as it would bear—up to three-fourths of the value. Suppose the property was in the hands of a minor—and he would assume, as the right hon. Gentleman was made to say, that the succession tax was to be made the first charge—how was the money to be raised upon the narrow margin left to the minor; the margin meaning all that was left to satisfy the previous mortgagees, who were to be ousted as far as the succession tax was concerned? The minor would be hard pressed between the two fires of the mortgagees and the Government to obtain the little rental that remained. Then, again, originally the term for which the estate was to have been held, was restricted to four years. It was true the right hon. Gentleman had added another year of grace, because, apparently, not having any land of his own, he was not aware that the year a man came into his inheritance was the worst of his life, for he lost the amount his father gave him, and did not get a shilling of his rents. But if any period was to be fixed, why should it be four years?

Why should not the period be ten, or twenty, or thirty years? The reason of naming four years was to get as much as possible out of the land during a man's life; and, therefore, the best thing that could happen to the Government would be that every man should die after he had held his property four years. But there was a case that struck him as one of great cruelty, and for which he did not see that any provision was made by this Bill. It was the case of officers killed in action. He could instance cases of two, three, or even four brothers falling in battle within a very short time of each other, leaving children wholly dependent upon the property successively coming to these brothers. He could give them proof of officers falling in battle, having very small properties—as was particularly the case in the Highlands—worth perhaps 100*l.* a year; and was it right or just that, when they fell in the cause of their country, the Chancellor of the Exchequer should hasten to put his hands into the pockets of the orphan, and take from him, young as he was, and therefore the more helpless, a poundage on the miserable property left to him by his parent? But what seemed most to have staggered the public with regard to this scheme—for no one would dispute the abstract principle that realty should be taxed as well as personalty—had been mainly the tax upon settled property. In the eye of the law that property amounted to a purchase. It had been purchased by some persons for many years. In the case of marriage settlements, men who had been married thirty years or more, but who had not yet come into possession of their wives' property, would find themselves become subject to *post facto* legislation, this being as to them a retrospective law. Every one of their Lordships and Her Majesty's other subjects, who had not yet touched any part of their property settled upon themselves at their marriage, and who were waiting for the determination of the previous estates, would have to pay a succession tax upon that property whenever it came to them; and that after they had made in the eye of the law a purchase of that property. Although the right hon. Gentleman did not scruple to lay his hands upon that purchased and settled property hitherto held sacred, he did exempt some property to an enormous amount, and that was in the case of corporations—they were only to pay for property that accrued to them hereafter: the law had no retrospective action for them. Then he did not quite understand how the right hon. Gentleman meant to deal with the property of the Church. The right rev. Prelates were corporations sole. Were they to be exempted from the operation of the Bill? But if Church property was not to be exempt, he would tell the right rev. Prelates that they would stand in this position—as they did not inherit by relationship they would be burdened with the full 10 per cent tax; and if he were told that the tax would be paid by the Ecclesiastical Commissioners because the bishops were paid fixed sums, yet that could not be said of the working clergy. He wanted to know, therefore, whether Church property was to pay the tax, and, if so, was the tax to be 10 per cent? There was another class of property which, so far as he could see mentioned in the Bill, must be taxed if the system was consistently carried out. He wanted to know whether heirlooms, such as pictures, books, plate, &c., coming to a man holding an estate in tail, were to be taxed? It appeared to him that if the Bill was consistently carried out they must be valued, and the tax paid upon them; but that would be hardly just, because the party coming into possession of them had no power to sell them, nor raise one shilling upon them. With respect to timber, on looking at this Bill, he saw that ornamental timber on an estate was to be valued, and the tax paid upon it. But how was that tax to be raised? They were to appoint a valuer to inspect and value the timber; but he would ask those of their Lordships who had sold or purchased an estate upon which there was either a great deal or only a small quantity of timber to recollect what enormous expense and trouble they had had in having a valuation of the timber made. Then, again, this might happen three or four years, and in each instance, from the change in the timber, a fresh valuation must be made. If the valuer made a mistake—if he sent in an assessment not pleasing to the Commissioners, they might send down their own appraiser; and if he gave a greater assessment than the first, there were three or four clauses in the Bill which he advised their Lordships to read, that they might see how in this country, where a constitutional Government existed, it did not prevent their being liable to as severe a law as any that was ever propounded by a despotic monarch. Then, as to the value of mines; that value could hardly be ascertained, because a vast quantity was under ground, and it might be worth, as he was told was the case on one estate, 10,000,000*l.* All the machinery that was brought to bear on timber property was to be brought on mines. It appeared to him, also, that when a man got a reversion which he had purchased, he would have to pay on it. That, certainly, would be an *ex post facto* law. Also, the owners of landed property were to pay when the jointures of widows fell in, as so much accruing to their property. That being the case, of course they would have to pay the succession duty for legacies given to servants and persons of that kind, when those legacies fell in. Supposing a gentleman left 100*l.* a year to his butler, the latter, not being a relative, would have to pay 10 per cent duty, and, when he died, the heir in possession, being no relative to the butler, would also be called on to pay 10 per cent on the falling in of the legacy. Was that just? Again, there was the settlement on younger children, which was very common in this country; and when a man came into an estate under these circumstances, how was the Chancellor of the Exchequer to treat him? Sums varying from 5,000*l.* to 20,000*l.* were often apportioned among a number of children. Supposing there were three children, and the two younger children were provided for by a settlement of 10,000*l.* each out of an estate worth 30,000*l.*, would the Chancellor of the Exchequer charge the heir upon his actual interest of 10,000*l.*, or his possible interest of 30,000*l.*? There were difficulties in such cases; and he had only named them to show the strong necessity for an investigation of this question. He might refer to four clauses of the Succession-tax Bill, to show the inquisitorial character of that measure. Who were the persons to be accountable, according to this Bill, for the duty? "Every trustee, guardian, committee, or husband." They were to give notice—

> "to the Commissioners or to their officers of their liability to such duties, and shall at the same time deliver to the Commissioners or to their officers a full and true account of the property for the duty whereon they shall respectively be accountable, and of the value thereof, and of the deductions claimed by them, together with the names of the successor and predecessor, and their relation to each other, and all such other particulars as shall be necessary or proper for enabling the Commissioners fully and correctly to ascertain the duties due; and the Commissioners, if satisfied with such account and estimate as originally delivered, or with any amendments that may be made therein upon their requisition, may assess the succession duty on the footing of such account and estimate; but it shall be lawful for the Commissioners, if dissatisfied with such account and estimate, to cause an account and estimate to be taken by any person or persons to be appointed by themselves for that purpose, and to assess the duty on the footing of such last-mentioned account and estimate, subject to appeal, as hereinafter provided; and if the duty so assessed shall exceed the duty assessable according to the return made to the Commissioners, and with which they shall have been dissatisfied, and if there shall be no appeal against such assessment, then it shall be in the discretion of the Commissioners, having regard to the merits of each case, to charge the whole or any part of the expenses incident to the taking of such last-mentioned account and estimate on the interest of the successor in respect whereof the duty shall be due, in increase of such duty, and to recover the same forthwith accordingly; and, if there shall be an appeal against such last-mentioned assessment, then the payment of such expenses shall be in the discretion of the court of appeal hereinafter appointed."

Then, with regard to penalties the Bill enacted:—

> "If any person required to give any such notice or deliver such account as aforesaid shall neglect to do so, he shall be liable to pay to Her Majesty a sum equal to 10*l.* per centum upon the amount of duty payable by him, or such less sum as such duty, if assessable at the rate of 1*l.* per centum upon the value of the succession, would amount to, and a like penalty for every month after the first month during which such neglect shall continue; and if any person liable under this Act to pay any duty shall neglect to do so within 21 days after the same shall have become due, he shall also be liable to pay to Her Majesty a sum equal to 10*l.* per centum upon the amount of duty so unpaid, or such less sum as such duty, if assessable at the rate of 1*l.* per centum on the value of the succession, would amount to, and a like penalty for every month after the first month during which such neglect shall continue."

The provisions of the Bill were such as to make it what any lawyer must declare to be a most tremendous and inquisitorial measure. If that Bill passed into law, who, in God's name, would accept the situation of trustee or guardian? He thought at that stage of the question it would be wrong for him to discuss the general effects which the Bill, if it passed, must have on landed property; but he could not observe without great suspicion the unfeigned joy with which a class of persons not supposed to be especially attached to the ancient institutions of the country and to monarchy had accepted it. If he wished to show how such a measure would undermine the landed interest, not only by the succession duty itself, but by the enormous expenses, difficulties, and litigation to which the proprietors would be subject, he could hardly better illustrate his argument than by referring to a family whose name was immortal in this country. When Lord Nelson fell at Trafalgar an estate was settled on him and his heirs by the country. It was but a small estate—very much in proportion to those honours which he thought were rather churlishly given to that great man. But what had occurred since his death? It was now less than fifty years since he fell, and in that time three heirs of Nelson had succeeded to the property. Now, the object of the country in securing to the family that property must have been to maintain the name of Nelson with all the honour it deserved. Yet, if the proposed tax on succession had existed, that property, small as it was for the title and services performed, would have been subject, since 1805 three times to a tax, not of the lowest rate, but of 3 per cent, because the heirs succeeding were collateral. He looked also with apprehension to the passing of this Act, because it was most honestly and fairly stated in the preamble that it was sought to be enacted "towards raising the necessary supplies for defraying your Majesty's public expenses, and making a permanent addition to the public revenue." He must say all his feelings of justice and policy militated against this permanent tax, because he thought it a tax the imposition of which could only be justified in times of war and great national difficulties, such as those times when Mr. Pitt proposed to impose it. If it were made permanent, there would be no security against its being increased at any time hereafter, whenever the Chancellor of the Exchequer was in want of money. He begged their Lordships distinctly to understand that in consequence of the comparative ignorance which prevailed with respect to this important subject, he asked for a Committee to investigate it, and he thought himself justified also in taking that course by the apprehensions expressed by Fox and Sheridan—men far superior to the humble individual who now addressed them, and perhaps to many of their Lordships then present, in their knowledge of public questions. He would candidly say he should enter the Committee with his mind perfectly open to conviction, and if reasons could be found which would justify the proposition of Mr. Gladstone, he should join the admirers and supporters of that Gentleman, in giving him full credit for having added to the means and elements of taxation in this country. The noble Earl concluded by *moving*, that a Select Committee be appointed to inquire into the probable effect of extending to the case of successions to real property and property under settlement the stamp duties now payable in respect of legacies.

The EARL of ABERDEEN: My Lords, I do not deny that the Motion of the noble Earl commends itself to your Lordships by a certain degree of plausibility. It does not seem unreasonable to conclude that a subject so important, so full of difficulties, so complicated, and affecting so directly, so personally, and so nearly your Lordships, is one suited for such an inquiry as that which the noble Earl proposes—an inquiry into the probable effects—for that is the object of the inquiry—of the tax on successions as proposed by Her Majesty's Government. Nevertheless, my Lords, I think there are reasons which ought to induce your Lordships not to support the Motion of the noble Earl, and which are such, at all events, as will prevent me from giving the slightest encouragement to any such Motion. And, first, I beg to call your attention to the time at which this Motion is made. If this were a new subject—if it were a new system of financial policy on which the Legislature had to inquire and make up its mind before coming to a decision—there might be some reason in the proposal; but I beg to refer your Lordships to the fact that this proposition of the Government has been in detail before the other House of Parliament five or six weeks, has been explained at length by my right hon. Friend (the Chancellor of the Exchequer) in all its bearings—that the Resolutions, which were laid on the table of the House of Commons five or six weeks ago, have been adopted within a fortnight by that House, and passed without a division. Then, I say, if in this state of things the noble Earl makes a Motion to inquire into the probable effect of this measure, it is impossible I can accede to such a Motion without also joining in the doubts—nay, more than doubts—which he has expressed, of the wisdom and justice of the measure. Now, whatever course your Lordships may adopt, nothing shall induce me to take any course which may be supposed to express any doubt of the wisdom, justice, or equity of the proposal of the Government. The Resolutions to which I referred, as having been explained by my right hon. Friend the Chancellor of the Exchequer, and adopted by the other House, have been embodied in the form of a Bill, which now stands for a second reading in the House of Commons. The noble Earl's speech, in truth, has been a speech against the second reading of this Bill, as if it were before your Lordships. The Bill, however, is not before us. Nevertheless, if your Lordships should have this Committee, your Lordships would inquire into all the points adverted to by the noble Earl, as contained in the Bill which I now hold in my hand. Now, your Lordships must be perfectly aware that, be your opinion what it may, and be the result of your Committee what it might, you cannot alter a tittle of this Bill—not a particle. You may—and this you have the full right to do—throw it out on the second reading. That is perfectly within your Lordships' competence to do—though I will not say how deeply I should regret, as well for the sake of this House as for the sake of the country, that you should adopt so rash and impolitic a course. If, however, I had any doubt as to the propriety of opposing the Motion for a Committee, the noble Earl has furnished me with a reason for so doing; for he has fairly told you that he moves for it for the purpose of showing grounds against, and rejecting the provisions of the measure now under the consideration of the other House of Parliament. Now, the Government are convinced that it is a measure not only wise but just; and even the noble Earl does not pretend to deny the justice of the principle of the measure, but only refers to difficulties of execution. Still, with all due respect for the authority of Mr. Fox and Mr. Sheridan, I must observe, that we have made great progress in many things since their days—and, among others, certainly in a better comprehension of matters of finance; and I must also declare that in their days the proposition was just, notwithstanding the criticisms they passed on it. The country has long felt the injustice of these exemptions, on the part of the landed interest, from taxation. That feeling has been gaining ground daily; and I ask any of your Lordships whether you can candidly say that you believe it to be possible to maintain the exemption much longer? There is no agitation—no violence—there is no outcry at the present moment, but there is an extended feeling of the injustice and inconsistency of exempting landed property from that duty which is imposed on other property, and property less capable of bearing it. I fairly admit, at once, that this measure for imposing a tax on successions is indispensable to carry into effect the financial system as proposed by the Government. It will be impossible without it to effect that which is the substance of the proposal of the Government. The renewal of the income tax for the period of seven years would never have been proposed or thought of unless accompanied with the means—the obvious facility—at the end of that period, of dispensing with it, if Parliament should think fit. Moreover, it would be impossible for us to effect those great and important remissions of duties which will, I hope, give a great increase of prosperity and comfort to the great body of the people of this country, and which have secured for the financial propositions of my right hon. Friend the Chancellor of the Exchequer a degree of acceptance and popularity which I have not seen attend any Budget in my day. The noble Earl has done justice to the ability displayed by my right hon. Friend in explaining the financial scheme to Parliament; but he must be prepared to go further, and also admit the singular success with which that scheme has been received, as far as can be collected from the opinions pronounced by persons of all parties and descriptions. Now, it appears to be urged by the noble Earl that this measure, though not of course intentionally, but in its effect, must be injurious to, and is conceived in a spirit hostile to the landed interest of this country. ["Hear, hear!"] Yes—that it is conceived in a spirit hostile to land, just as the measure of my right hon. Friend, the late Sir Robert Peel, was hostile to land. I believe, indeed, that that measure of my late right hon. Friend, so far from being hostile to land, has very much contributed to the safety of the land, and to the freedom with which at this moment we debate upon these measures; and I also believe that my right hon. Friend the Chancellor of the Exchequer is just the same sort of enemy to the land as the late Sir Robert Peel was. Exaggerations of a most absurd description have been used in reference to this measure. We have heard it said—"Here is a proof of a Conservative Government! They are going to raise a tax of 2,000,000*l.* from the land." That is one of the assertions made. Well, it turns out that, by the most accurate calculations that can be made, one-fourth of that sum only is expected to be raised from the land:—the amount from real property is difficult, of course, to calculate, but, taking it altogether, it has been shown, by every calculation deserving of credit that could be made, that the land will not be affected in any proportion like the other descriptions of property. The noble Earl says, before this measure proceeds further in either House he desires to have an inquiry by Committee. Now, does the noble Earl mean to propose that as a practical course to your Lordships? Do you suppose that with this Bill ready, and after the Resolutions on which it is founded have been so triumphantly sanctioned by the House of Commons, you will by your Committee arrest the progress of this Bill? Now, if I were to agree to the Committee, I should be bound, when the Bill comes before this House, as come it unquestionably will, to pause in pressing forward its progress; but I intend to do no such thing. Your Lordships may agree to the Committee, if you think fit; but, I mean, in dealing with this Bill, to take such a course as seems to me most conducive to the interests of the country; for I am thoroughly resolved, on the part of the Government, that the country shall not see that there is the slightest intention to waver or hesitate for an instant in our adherence to our opinion of the wisdom and justice of this measure.

The EARL of DERBY assured their Lordships that he would not detain them upon this subject more than a few minutes. He recollected, on one occasion, during the progress of the Reform Bill, when a vote of confidence in Ministers was before the other House, and when some arguments of great force had been employed against the measure of the Government, Lord Althorp—a man, as their Lordships knew, of singular integrity and worth—in answering the objections of the opposite side, assured the House that the question before them had been fully considered by the Cabinet, and that he knew there were very good reasons in its favour; but what those reasons were he was wholly unable to state, but he trusted the House would determine to abide by the decision of the Cabinet; that it was a question of confidence, and, though there were good reasons which might be urged upon the subject, they were determined not to go into the argument, and therefore he asked the House of Commons to support the measure of the Government, and reject the arguments which had come from the other side. Now, whether the confidence of the House of Lords was as great in the Government of the noble Earl opposite, as the confidence of the House of Commons ultimately proved to be in the Government with which Lord Althorp was connected, he would not take upon himself to say; but, on the present occasion, the noble Earl had taken the same line of argument, and employed nearly the same words, for he had not attempted to grapple with a single point brought forward in opposition to this measure—to deal with the inequality, the injustice, and the impracticable character of the proposed tax, so forcibly set forward by his noble Friend behind him. But this he had said—"We, the Government, are perfectly satisfied with the justice and expediency of this measure; we will not admit that in a single instance it is capable of improvement; we will not allow your Lordships to consult about the merits of the measure; when it comes from the House of Commons it must be passed by your Lordships, right or wrong; you may inquire as you please, but I have every confidence in the House of Commons as well as in the House of Lords, that it will be ultimately passed by them into a law." Now, he ventured to say, that that was hardly a line of argument which the Prime Minister of this country ought to pursue in that House. He was ready to admit that in matters of finance their Lordships had great difficulty in dealing with what was considered the peculiar province of the House of Commons; but, on the other hand, he conceived that it was not the duty of that House blindly to legislate even on financial matters at the bidding of the House of Commons—still less should the House of Lords comply with the behests of the other House, whatever they might be, whether right or wrong, just or unjust, practicable or impracticable, on whatever question came before them. What they wished to inquire into, and what the noble Earl refused to allow their inquiry into, was as to the fact whether the proposals soon to come before them were right or wrong, just or unjust, and practicable or impracticable. They did not condemn the proposition of the Government; they were not opposed to the proposition, but they desired to have the means of sifting and inquiring into the nature of it; and he trusted their Lordships would, on this occasion, see the peculiar circumstances of their own position, and that, whatever might be the measures proposed by the advisers of the Crown and adopted by the other House, they would keep in view the co-ordinate privileges which they possessed on all matters of legislation. The noble Earl objected to the time at which his noble Friend had brought forward this Motion; but he did not know whether the noble Earl's objections were that the Motion was too early or too late. The noble Earl said, if this was a new question, one which was to the Legislature a new and unventilated proposition, there might be some reason why their Lordships should institute inquiry into its merits; but, six weeks ago, he said, in a speech in the other House of Parliament, one of his Colleagues had fully explained the principle of the measure which he intended to introduce. Now, it was for the first time he had learnt that the speech of a Minister in the House of Commons was a legitimate and Parliamentary ground on which to found a proceeding in their Lordships' House. [The Earl of ABERDEEN said, he did not allude to the speech but to the Resolutions, which were laid on the table of the House of Commons five or six weeks ago.] The noble Earl told them that five or six weeks ago this statement was made of the details, and that the Resolutions were then laid on the table. He did not remember the precise date, but he could tell their Lordships not only the date of the adoption of the Resolutions of which he had talked in such a tone of triumph, but the reason why they were adopted in the manner to which the noble Earl referred. The reason was the unwillingness of those who opposed the Government to subject them to any embarrassment by protracting the discussions on the last day before the adjournment of the House; the Opposition, therefore, consented to waive their objections to the Resolutions, and to allow them to be passed without a division in order not to carry the discussion over the recess, and thereby act as an impediment to the public service. It was on that understanding, accompanied by the declaration that by continuing the debate they might impede the public service, that a division was not taken, and on this the noble Earl now thought it decent to raise the triumphant argument as to the passing of the Resolutions without any division. The noble Earl must remember the practice of the House of Commons sufficiently well to know that nothing was more common than to allow resolutions to pass in Committee to enable the Government to introduce a Bill founded on such resolutions; and for these reasons, that they might not act as an obstacle or impediment to the public service, and that the members of the Government might have an opportunity fully to explain in all its details the proposition which they intended to submit. On this occasion the House of Commons acted in that spirit, and passed the Resolution, which he thought they hardly would have done if they could have foreseen the use—he would not say the ungenerous use—which the noble Earl had made of their forbearance. But they had not got all the details of this measure. His noble Friend had shown that, since the speech of the Chancellor of the Exchequer, the proposition of the Government had been changed in some very material points; and consequently, if on the first announcement their Lordships had proposed to appoint a Committee on the Bill, the Government would have said they were going into Committee upon they knew not what—that the intentions of the Government might change—that the principles of the measure might be altered as well as the details. He would not say that the present Government would ever alter their principles, but they certainly had altered the details of their proposition. They had now the matured measure which the Government intended to submit to the consideration of Parliament; and how long had they had to consider it in that form—how long a period to see by what means the Government proposed to overcome those immense difficulties which the noble Earl did not deny existed? He had in his hand the Bill introduced into the other House of Parliament, as well as the noble Earl, and he found it was ordered to be printed by the House of Commons on the 23rd of May, and he for the first time saw it at eleven o'clock last night. It was a Bill of fifty-five clauses of most complicated legal arrangement, dealing with questions of immense difficulty, and with questions with regard to which legal authorities would tell them the expense, embarrassment, and difficulty, would be enormous, and which would have the effect of throwing into the hands of the gentlemen of the legal profession profits that would amply remunerate them for the loss which legislation on other matters were said to have caused them. Then the noble Earl said they were dealing with a question that was not now before the House; but he did not know whether the complaint was that the question of inquiry had been brought forward too soon or too late, for the noble Earl, having complained that they asked for this inquiry too late, proceeded to say they asked for it too soon, because they ought to wait until the Bill was under the consideration of this House. The noble Earl said the speech of his noble Friend was practically a speech for the rejection of the Bill on the second reading. The noble Earl said that course would be perfectly within their Lordships' competence, though it would not be discreet to exercise the powers vested in them by the constitution. He admitted, as the noble Earl said, if this Bill came before their Lordships, he should regret its rejection on the second reading. But then the noble Earl said it was not competent for their Lordships to amend this Bill in Committee. He denied that fact, and asserted it was perfectly competent to amend this Bill, or any part of this Bill. He knew that, according to the privileges of the House of Commons, a Bill so amended in Committee would not be accepted by the House of Commons; and consequently, if Amendments resulted from the inquiry, that House, if they did choose to incur the sacrifice of the measure, would have to introduce another measure in which they might endeavour to meet the reasonable objections urged by their Lordships' House. He admitted with the noble Earl that that was not a convenient course, that it was inconvenient at a late period of the Session to raise objections and make alterations which the House of Commons might not be disposed to agree to, or might find it too late to accept. Therefore, he said this was the time, before the House of Commons had pledged themselves to the principle of the Bill, or to the details, and before its privileges could be in the slightest degree interfered with by the exercise of their Lordships' legitimate powers—now was the time to consider the merits of the plan in a Committee, when objections raised might be acquiesced in by the reason and good sense of the other House, without any interference with their privileges, or involving the country in protracted uncertainty and delay. As to argument against the proposition of his noble Friend, he had heard none, except it might be that founded upon the time at which it was brought forward. Still there was one point out of which the noble Earl at the head of the Government seemed to make a great deal, namely, his glorification of the Chancellor of the Exchequer for the measures he had brought forward. The noble Earl had spoken of the immense success—almost without precedent—which had attended the financial proposition of the Chancellor of the Exchequer. But if all that he (the Earl of Derby) had heard was true, he might be excused for expressing some doubt whether those measures had been received by the public with the favour anticipated by Her Majesty's Government. He had heard, for example, that of one of their propositions for a conversion of a portion of the debt—a proposition involving many millions—the sole result had been its acceptance to the comparatively small amount of 1,400,000*l.*, and that, with that exception, the whole of the proposals of the Chancellor of the Exchequer had been dealt with in the City as so much waste paper. Undoubtedly the right hon. Gentleman was a man of great ability, and it might not be his fault that he had not met with the success to which he was entitled from the apparent elaboration of his designs. He (the Earl of Derby) would not say it was a failure; but he must be permitted to doubt whether it was an exemplification of that immense and overwhelming good fortune which had led the noble Earl in a triumphant tone to say that such a Chancellor of the Exchequer had never before been seen; that such knowledge as he possessed had never hitherto been acquired upon any political proposition; and that, after all, he and the rest of Her Majesty's Government were the only parties able to conduct the financial affairs of the country. It was said that the succession duties were to be imposed in order that the income tax might be taken off in the year 1860. That either the noble Earl or himself would live to see the day when the income tax would be taken off, he did not expect; at all events, the argument was, that, in order to take off the income tax in 1860, if Parliament should at that time think it expedient—for the proposition was accompanied with such a condition—it was essential that these succession duties should be imposed. He should be very sorry to say anything which should create any financial embarrassment to the Government; but he would venture to ask them whether they were quite sure of the accuracy of their calculations as to the amount of the income to be derived from the proposed tax on successions? Were the calculations of the Chancellor of the Exchequer so entirely correct as not to lead to some doubt that, under the operation of the tax, he might not be asking for twice as much money as he required? The right hon. Gentleman said that the tax, upon an average, would accrue, in respect to all the property affected, once in thirty years. Now, the right hon. Gentleman had had the means of judging to a certain extent of the probable operation of the tax by the experience of the tax upon succession to personal property. If he (the Earl of Derby) was not mistaken, the calculations with respect to successions to personal property were, that about one sixteenth of the whole personal property of the country was brought under the tax each year by the operation of the legacy duties. If this was the case, the average duration of successions was a period not of thirty but of sixteen years; and he was at a loss to know what there was in the possession of landed property which rendered successions to it so much more durable than successions to personal property, or how the same person inheriting landed and inheriting personal property could, at his decease, leave the one and not the other—how he could leave an interval between the succession to one and the succession to the other; how in one case the succession could be after sixteen, and in the other thirty years. Why, in his capacity as owner of real property he must positively outlive himself by a period of fourteen years. He was therefore of opinion—at all events there was *primâ facie* reason to doubt whether the Chancellor of the Exchequer had not underrated, by very nearly one half, the recurrence of successions; and, consequently, if he had, he had underrated by one-half the amount of the annual income which would accrue by the tax he was about to propose. With reference to the duration of life, he would ask their Lordships to look at cases which must be within their own knowledge or recollection among the Members of that House. He remembered a case which had occurred within the last few years, where a noble Friend of his, one of the youngest Members of their Lordships' House, had succeeded to a large landed property, with regard to which there had been in two years three successions, and there would have been a fourth had it not been for the fact of the son dying within a few months previously. Now, if the son in this case had survived his father in the ordinary course, there would have been, in the space of only two years, four successions, and four inflictions of the Chancellor of the Exchequer's tax upon that property. And a noble Friend near him had reminded him of another case which had occurred in his own person. He was the fourth successor to his property in the course of three years. Now, he left their Lordships to say, if that had been property descending, not directly from father to son (and in this case it was not), but succeeded to by one distant relation from another—and their Lordships knew the expense entailed by such a succession—what, after four successions, one after another, there would have been to pay for this tax, upon the calculation that each of them would have sixteen years' possession of the property? He did not propose to take their Lordships again through the cases which had been so forcibly put by his noble Friend, not one of which had been answered by the noble Earl at the head of Her Majesty's Government; but he would venture to suggest one or two which appeared to him to demand consideration. His noble Friend had alluded to the case of heirlooms coming into possession of the tenant for life. Those heirlooms might be of immense and enormous value. Suppose it were the case that any of their Lordships were in possession of an hereditary jewel, such as the Koh-i-noor; he did not know the value of the Koh-i-noor—it might be 1,000,000*l.* or 2,000,000*l.*—but, whatever its value, the succession tax would have to be paid upon the estimated value of the jewel, measured by the value of the life. The same would occur at the next succession, and the tax would go on being paid on the value of the jewel, though it was producing nothing, and it could not be alienated. You must hold it, and you must pay for it. Why, if you must hold, and could not realise, there was no private property in the world that could stand the succession taxes upon two or three inheritances of the Koh-i-noor. But he would take a much more ordinary case. Take the case of pictures, books, and plate. He did not complain of a tax upon succeeding to that which you had the means of realising, or if the State took a portion of that which devolved upon you; but he did complain that, under the operation of this Act, you would be taxed for that which you could not avoid receiving, for that which you had no means of parting with, and on which you had no means of raising the value for the purpose of defraying the tax itself; but which was, on the contrary, a constant source of expense. At present, if 100,000*l.* in money were left to you, you were taxed 3,000*l.*, and you had the enjoyment of the remaining 27,000*l.*; but if you had 100,000*l.* worth of pictures, you were taxed upon that amount, whilst the pictures were hung upon the walls, and you could not sell them. It might be a hardship to be compelled to part with pictures which had long been in a family; but at any rate, if you could sell them, there was no positive injustice; but if you could not sell them, as they brought in nothing, but constituted a source of expense, it was a gross injustice to make such property pay the same tax as 100,000*l.* in the funds or other property which could be converted into money, and on which the tax might be paid the next morning. His noble Friend had mentioned the cases of several other descriptions of property, wherein, as there was a succession to each beneficial interest, there would be a succession tax. Take the case of tontines. There were, say, a hundred subscribers to a tontine, the last survivor of whom was to obtain the benefit. Of course, as the lives dropped, the interest of those which remained would accrue. The beneficial interest of the survivors increased by the lapse of each life: you would, therefore, be taxed on the reversionary beneficial interest as each life fell in, although, by the terms of the tontine, none except the survivor would derive any pecuniary benefit from it at all. His noble Friend had also put the case of annuities; and here he (the Earl of Derby) asked their Lordships to look at the grossly inquisitorial character of a tax levied as each successive annuity fell in. If a man was left with landed property, charged with forty, fifty, or sixty annuities, including jointures to widows, and other charges of that description, he was, under this Bill, as each annuity fell in, to present himself before the taxing officer, to declare the contingent amount of benefit he got by the lapse of each 100*l.* annuity; a fresh calculation was to be made as to the value of his life, and he was to be taxed upon that value. This process was to be repeated as every annuity fell in. Could any system be devised more calculated to produce vexation and annoyance than such a system of perpetual inquisition into what the Chancellor of the Exchequer had been pleased to call the succession to beneficial interests? Again, take the case of trustees. He confessed he had been in some doubt how it was intended, with property under trust, to come at the amount of the property itself; and he had been anxious to see how this would be dealt with by the Bill. In ordinary cases, whatever property was left might be ascertained by the production of the will; but as regarded estates in settlement the will would be silent: it gave no information whatever, and you did not know who were the trustees. There was no end to cases in which there were secret family trusts for the purpose of providing for relations or descendants, with regard to which no human being not in the family itself was cognisant either of the trust or of the trustees. Many of their Lordships must be in the condition of being trustees for property, and trustees under settlements, with regard to which they knew nothing. The property in such cases was under unknown trustees—trustees not discoverable by the will, or by any means we now possessed. Possibly they might be discovered by the registration of assurances and deeds of settlement, but by no other means; but the discovery involved an immense amount of inquisitorial interference and inquiry into the title deeds of property, which might lead their Lordships, and the owners of landed property, into most serious difficulties and embarrassments. It was only, however, by such means, or by the still more violent measure proposed in the Bill, namely, making it penal on the part of trustees not to do that which they had no means of doing—declaring the value and the amount of property for which they acted—that they could ascertain the property to be taxed. Under these circumstances it was not, he maintained, beside the question to look into the machinery and details of the Bill; for the smaller the amounts to be levied, the more cogent the arguments against them. The smaller the amount to be raised under the operation of this Bill, the weaker was the argument of the noble Earl at the head of the Government relative to the effect upon the financial arrangements of the Exchequer, and the more cogent the argument of his noble Friend that it would be unwise, for a paltry sum of 300,000*l.* or 400,000*l.*, to enter into a labyrinth from which no human ingenuity might be able to extricate them, and against adopting a Bill which nothing but the most outrageous tyranny, and the most intolerable inquisition into private affairs, would enable the Government to carry into effect. At the same time he did not ask their Lordships to reject the Bill, but to call for advice, assistance, and explanation with regard to its provisions. They had the measure before them which the Government proposed. He wanted their Lordships to hear its probable operation from the most experienced solicitors, and from men conversant with the business of the legal and financial details involved in it. He wanted, from their practical knowledge, to ascertain what would be its result upon the great and small landed properties of the country. He wanted to know what would be the result with regard to settlements, and the succession to property; whether the course of succession to property in this country was to be altogether changed for the purpose of getting 400,000*l.* revenue, by the assistance of which, if Parliament should think fit, six or seven years hence, they might get rid of the income tax—the Government themselves having laid good grounds already for the continuance of the income tax, by declaring the necessity of taking off other indirect taxation. He wanted the House to inquire into the practical working of the Bill, into its effect upon the great interests of the country, and by what machinery it could be carried into effect with the least possible pressure of taxation and inquisition. He did not exclude from his consideration the alternative that the result of the inquiry might be that the machinery and oppression might be found so intolerable, and the result so injurious in a political and social sense, and so defective in a financial point of view, that rather than impose such a tax another ought to be imposed—even if it fell upon landed and real property—not based upon the uncertain duration of human life, but upon fair and legitimate calculations of that which landed and real property inherited ought, in comparison with other property, to contribute to the exigencies of the national revenue. This was an inquiry which was within their Lordships' competency; nay, more, it was an inquiry from which if they shrunk they would not be doing their duty to their country. If they were tamely to sit down, and, because the House of Commons had sanctioned a measure which might or might not produce gross injustice, and cut up at the very root and foundation those classes of society of which their Lordships were component parts, shut their eyes and bow their heads in tacit obedience, without remark or inquiry, they would be abdicating the high position they ought to hold, and which they had hitherto held, in the country. He trusted he should always look with deference and respect to the opinions of the House of Commons; but he also trusted that their Lordships would exercise their own independent judgment, and not be content with merely saying whether, upon the whole, the adoption or the rejection of the Bill might be the greater evil. At all events, their Lordships would not fear to say that before they legislated they would at least inquire.

Earl GRANVILLE said, there was nothing in what had fallen from his noble Friend at the head of the Government to justify the noble Earl in supposing that their Lordships would be called upon to perform an act of passive obedience, and to vote a measure, not yet introduced, without a full and fair discussion. He (Earl Granville) believed, on the contrary, that the observations of his noble Friend had an entirely different meaning, and that the advice he had tendered had the effect of suggesting the part most respectful to the House itself, and most conducive to the future utility of Committees of Inquiry on all subjects of public interest. The noble Earl who proposed this Committee could not expect that the Government would consent to delay the Bill that was to come up from the other House—a Bill forming, not the whole, but a material part of that financial scheme which the noble Earl (the Earl of Derby) had himself admitted to be, in all but one point, most successful, and which had been most favourably received, not only in the other House of Parliament, but throughout the whole country; and, indeed, when the noble Earl (the Earl of Derby) attempted to controvert the success of that Budget, he could only refer to the fact, that that part of it which had been denounced by his friends in the other House as wanton extravagance, had not been accepted in the City so greedily as might have been anticipated. The course taken by the two noble Earls opposite was somewhat puzzling, and quite inconsistent with each other. The noble Earl who made the Motion based it on the provisions of a Bill which not only was not before their Lordships' House, but which had actually not passed through a single stage in the other House. But the noble Earl was still more inconsistent; for, while he saw no injustice in a tax being equally levied on land and other sources, he entered into an elaborate argument to prove the hardship on the landowners. The noble Earl who spoke last was, however, most inconsistent of all; for, though he said he had no bias against the Bill, and only wished to ascertain its practicability by inquiry, he went, nevertheless, into a long and able detail, to show the great extent of his disagreement with it. The noble Earl (the Earl of Malmesbury) had said that the question had not been brought before Parliament for the last half century, whereas it had been constantly agitated and discussed in the House of Commons—

The EARL of MALMESBURY explained. What he had said was, that the question was never brought forward as a formal proposition since 1796, and a succession tax on real property had only been advocated because there was one on personalty.

EARL GRANVILLE said, that made no great difference. In all probability, if any proposition had been made by Government, it would now have been law; but the proposition had been almost annually made by independent Members, and full discussions had ensued thereon. The proposition had been met by the same objections by different Chancellors of the Exchequer, but their arguments certainly appeared to him to be by no means conclusive. As to the unfairness of taking thirty years as the average interval of successions, he would remind the House that in the time of Mr. Pitt the average value of life in this country was taken at thirty-three years; and there could be no doubt that value had since improved, particularly among the higher classes. The objections raised by the noble Earl who spoke last were more specious than real. The noble Earl had put the case of a minor succeeding to an estate mortgaged to a certain amount, and said that he might not have the means of paying the tax on the succession. But the noble Earl had entirely overlooked the fact, that the course proposed in the Bill was to reduce the gross to the net income, and then to get rid of the encumbrances, and to levy the tax on that amount, so that no difficulty would arise in the case supposed. The noble Earl then adverted to the hardship on the inheritors of heirlooms, which could not be sold, and which produced nothing; and he alluded to the hardship of paying a sum of money on succession to the Koh-i-Noor; but there was a most satisfactory answer to this objection, for there was a clause in the Bill which exempted such heirlooms from any tax whatever. The question of timber had been referred to. All ornamental timber in the neighbourhood of houses, such as shrubberies, would be exempted from paying the tax. With regard to the sale and valuation of timber, the person succeeding would have this option: he might either pay the tax upon the average income of a certain number of years, or, if he did not choose to take that alternative, he might have the whole timber valued, and then calculate the tax upon the probable duration of his life at 3 per cent. The same principle would be adopted with regard to mines; and if there was no value in a mine, no tax would be imposed upon it. As to widows, the case rather broke down. The noble Earl said that the son or heir to the person who left the widow, would have to pay the tax upon succeeding to the jointure when it came to him from the widow. But it should be remembered, that in valuing the estate, the widow's charge would be taken off the valuation; and when it ultimately descended to the heir, he had only to pay the tax upon that which he had not received at an earlier period. The same principle would apply to the case suggested, where an annuity was settled on a servant. When it fell in, and the owner of the estate derived an accession of property to that amount, he would pay *pro tanto* upon that, not 10 per cent, but according to his degree of consanguinity to the original proprietor. As to trustees, the machinery of the Bill was exactly the same as had existed for more than fifty years with respect to leaseholds, as well as mere money or personal property. During that time there had been exactly the same machinery and the same liability; yet trustees had executed trusts, and, as he was informed, not a single question had arisen in law as to the value of the properties so dealt with. With regard to successions in a short number of years, there would actually be a saving by the proposition of the Chancellor of the Exchequer. In tontines nobody would pay till they actually received the money and became beneficial successors, and upon that succession the tax would be paid. Small landed proprietors would be taxed in proportion to their interest in the estate, and to those the Bill would be a positive advantage. He hoped that their Lordships would not, after the request of the noble Earl at the head of the Government, insist upon having a Committee on this question. He did not believe it would weaken the Government the least in carrying out the Bill, though it might have an unfortunate effect on public opinion as regarded that House. He entirely agreed with the noble Earl opposite in scouting the idea that their Lordships could be moved by any petty personal motives; but there was no doubt that their prejudices—for everybody had their prejudices—were bound up with the landed interest. He believed that their Lordships' House stood higher in the estimation of the public than it had done almost at any previous time; and this was not so much owing to the individual merit of Peers—for the House had always been remarkable for the splendid abilities of individual Members —but to the general feeling that their interests were the same as those of all other classes, whatever their station and influence in the country. He should regret to see their Lordships adopting any mode of obstructing a measure which was generally approved by the country. If they were to take this course, it could have no practical results beyond throwing discredit upon the inquiries of the Committees.

Lord ST. LEONARDS said, that as he was not one of the persons whose interests were bound up with the land, he could speak with perfect fairness on the subject. What he had seen of Parliamentary practice had been in the House of Commons, and his experience in their Lordships' House was very short; but he was compelled to say that he had never before heard a Minister of the Crown who spoke in so minatory a tone as the noble Earl opposite. It was a tone, not only of satisfaction with the work of his own Government, but one almost of denunciation of everybody who might attempt to impede a measure which he said should be passed, and to which he would not allow the slightest interruption. Such a tone might not be intended, for it did not seem appropriate to a deliberative assembly, and particularly not to a Minister of a Government that had brought in one of the most stringent, if not one of the most odious, measures ever proposed to Parliament. The noble Earl who spoke last had taken great credit for the popularity of the financial scheme of the Government. He (Lord St. Leonards) did not know how popular it might be, but it had been wholly unsuccessful so far as it had been tested. What had become of that important part of the scheme, the Exchequer bonds? Were they popular? Had they become, as we were told they would, a security which every one would be desirous of possessing, as they were so exceedingly handy? He warned the Chancellor of the Exchequer not to attempt—what had been rumoured as his intention—to force upon the suitors in Chancery these bonds, which nobody living would accept who knew the value of money. They were, he repeated, a failure; and he (Lord St. Leonards) had the same means of paying off the holders of the 500,000,000*l.* of the debt, and was as likely to raise the money, as the Chancellor of the Exchequer was by these means. With respect to the other parts of the financial proposition, as matters stood at present, the whole had been a failure, and must of necessity be so. He could tell the holders of 3 per cents throughout the country, that if they would but remain quiet with their stock, they were just as safe now as at any time before the Chancellor of the Exchequer threatened to pay them off. He should not have said one word upon this subject, had not the noble Earl taken so much credit for the popularity of a Budget which, so far as it had been tried, had wholly failed. With respect to the proposal of a Committee on the succession tax, he thought that nothing could be more fitting than that the House should adopt such a course. The noble Earl had told the House that the measure was to be pressed —that there was to be no wavering in the matter—and that the whole power of the Government was to be exerted, not only to pass it, but to pass it speedily—that their Lordships would place an obstruction in the way of public business if they were to enter on the inquiry before the measure came up from the House of Commons. But was there ever a question tendered to Parliament which deserved a more serious consideration than this proposal of a succession tax? In 1842 Sir Robert Peel asked the landed interest to submit to a property tax for a few years, in order to enable him to carry a large measure of free trade. That tax had been continued to the present time, and it was now proposed to continue it for a longer period than Sir Robert Peel had ever asked. But what would Parliament and the country have thought if Sir Robert Peel had asked the landed interest to submit not only to an income tax but to a succession tax? Parliament was now asked to renew the income tax for seven years, and, at the same time, to sanction a succession tax, which had never before been placed upon property. The proposed succession tax was to be a permanent one, and it was, therefore, the more necessary to look very carefully into the matter. Let their Lordships consider for a moment the points wherein the present proposal differed from the scheme of Mr. Pitt in 1796. Upon the proposal of Mr. Pitt there were not less than seven divisions in the House of Commons, in each of which the numbers in favour of the measure were gradually smaller, and the Motion for the second reading of the Bill was only carried by the casting vote of the Speaker. That measure, however, did not approach the present by a vast distance in point of rigour; it was a moderate modest scheme indeed compared to this; and on the day appointed for the third reading of the Bill, Mr. Pitt himself came down to the House, and moved that his own Bill should be read a third time that day three months. From that day to this there had never been a serious proposition before the House for the imposition of the tax. It was said that the land ought to pay legacy duty as well as personal property; but as the law at present stood, personal property evaded not only the land tax but poor-rate. The land tax would not have been made perpetual if Mr. Pitt had not failed in carrying his succession tax; failing in doing so, the land tax was carried as a substitute for it. The amount of the land tax was about 2,000,000*l*., and was made subject to redemption; upwards of 1,100,000*l*. per annum still remained unredeemed. The Chancellor of the Exchequer now proposed to give greater facilities for the redemption of the land tax, simply for the purpose of leaving the land more open for the imposition of the succession tax. Unless care be taken, the Stock Exchange will rush in and buy the land tax over the owners' heads, and thus obtain a preferment over their estates with Crown remedies. Many a fair farm had been sold and many a mortgage created in order to enable parties to redeem their land tax; and persons who had so redeemed it were now to be called upon to bear the additional burden of the succession tax. When land tax was redeemed, the stock paid for it went so far in redemption of the national debt, and no trace in the public accounts remained of the sacrifices of the landowner, so that his estate would apparently remain a free and fit subject for new taxation. If ever there was a time when land ought to have been charged with a tax of this nature, it was when a tax was put upon personal estate, and when land was not bound beyond an annual land tax. By Mr. Pitt's plan the tax was levied upon real estate only where it came by descent, devise, or by voluntary settlement, and he did not propose to tax lineal descendants, or husbands or wives. Could there be a more enormous difference between the two proposals than this? The children and children's children down to the latest generation would have taken real property under Mr. Pitt's Bill without being liable to any tax. Mr. Pitt began his scale of taxation by collateral descent, and went on increasing till he came to strangers, and his highest tax was 6 per cent upon the most remote class of relatives and strangers. But the present Bill not only taxed lineal descendants as well as collaterals, but struck at the root of every settlement in the country. Let a settlement be made for the highest consideration that the law allowed—that of marriage. Under Mr. Pitt's Bill the property under that settlement would not have been charged one shilling; but under this Bill a heavy tax would be levied upon every succession to property under the settlement. There was no noble Lord who was entitled to property under settlement who would not be liable to pay a heavy tax to-morrow if he came into possession. For, such was the wonderful hurry of the Government to get a revenue under this Bill, that they carried back its operation to the 19th of May; and if any unhappy man—or rather, perhaps, he ought to say if any happy man—should die subsequent to the 19th of May, and before this Bill passed, his property would be liable to the payment of this tax. And let their Lordships observe that this tax was not necessary in order to provide for a deficit. The Chancellor of the Exchequer chose to make a deficiency in order to provide for it by means of this tax. However, the noble Earl (the Earl of Aberdeen) said the Bill was to pass, and pass it must. Their Lordships were powerless after that announcement; but he must express his strong conviction that it was one of the most improper measures that ever passed. It was a measure of positive confiscation. Take any settlement made by any person upon marriage, or upon a son coming of age. Such a settlement was binding both in law and equity; it could not be revoked or recalled; and then came this Bill, which took away a portion of the property so settled, and compelled the heir to raise the money at a time when he was the least able to do so. A young Peer the other day asked him what was to be done under this Bill when a man came into possession, and how he was to pay the succession tax? His (Lord St. Leonards) reply was, "He must go to the Jews, who no doubt would accommodate him at 17 per cent." As affecting all existing settlements, he looked upon the proposal as positive confiscation, an *ex post facto* law, which pressed the most severely at the very time it should not press. It was not, however, a question merely of real, but of real and personal estate—one which affected every settlement of property throughout the land. Let the advocates of the new tax bear in mind that no such tax had ever before been imposed in this country, and then defend it as one proper to be imposed at this moment, without any necessity for it, and merely to supply a deficiency capriciously created. If the noble Earl was enabled to pass this Bill, he should certainly consider it as a ground for believing that the Government of which he was the head was really a strong one. There was this great difference between the law as it stood with regard even to personal estate and the succession tax now proposed to be passed, that whereas personal property was charged at present in the case of intestacy or of a bequest, and in those cases only, the proposed tax was to be charged upon every case of succession whatever. In the one instance, the property passed into the hands of persons who never had any title to it, or who might never have expected to receive it; in the other, a tax was imposed upon realised property—property which was yours, which you had enjoyed, of which you had had the fruit, which was yours to sell or to dispose of when you pleased, and as you pleased. Out of such property you calculated settlements for your children and for others allied to you; but here upon every succession the tax-gatherer would step in. Was there no difference, he asked, between these two cases? Let their Lordships look at the absurdity and inconsistency of their legislation if this measure should pass into a law. A short time since, they were pressed in a most extraordinary manner to pass a copyhold enfranchisement Bill; they were told that there must not remain a bit of copyhold in the land, that it was impolitic and unjust to call upon persons to pay fines at uncertain times, and some of their Lordships almost wept at the recital of the excessive grief which relatives felt when they were called upon to pay fines upon death. The Bill passed into law. But what a farce it was to talk of legislation for relieving holders of copyholds from the payment of fines on death, while they were now going to place a tax upon all the property in the kingdom—real and personal, nothing was to escape—what was upon the land, grew from the land, or in the bowels of the land—all were to be subject to a tax which was contingent upon death—and this proposal, too, came from those who had told the House they ought not to allow fines on copyholds. The noble Earl who had opened the case with so much ability, had stated truly that real and personal estate ought to be equally taxed; but he (Lord St. Leonards) would ask their Lordships how the principle was proposed to be carried out. The Chancellor of the Exchequer stated that he found personal estate was taxed, but that many cases of injustice occurred, and that persons made settlements in order to evade the tax; and it was monstrous that the tax should be evaded, or that it should not be charged upon land the same as upon personal estate. The Chancellor of the Exchequer was shocked to see this evasion, and he said, "I will charge the land as well as personal estate, but I will charge you both with what you never had to bear before, namely, a succession tax, and then, however clever you may consider yourselves, there will be no evasion at all." England might rely upon it, that if this Bill passed there would soon be a mortgage upon every inch of landed property throughout the empire, and upon every single portion of personal estate, for the benefit of a succession tax. He fully admitted, supposing the burdens to be equal, that land ought to be charged the same as personal estate—but it should be charged only as personal estate was now charged, namely, when acquired by descent or bequest; but what was proposed was to place an additional burden on both. The proposal of the Government was like the conduct of a person who, seeing one of his mules with a single pannier, sufficiently—poor beast!—burdened, but which he sometimes shifted, and sometimes slipped away from, whilst another mule, who had his own burden to bear, yet carried no pannier—felt shocked at the evasion of the one mule and the exemption of the other, and exclaimed, "I must make their burdens equal, and prevent them from being cast off:" he thereupon clapped an additional pannier, well loaded, on the first mule, and a pair of like panniers on the other; and this he called equality: so because personal estate sometimes evaded the legacy tax, it was to have the pannier of the succession tax placed upon it, and then, because it had two panniers—not because it ought to have them—two panniers were to be placed upon real estate. There had been one singular reason given for this tax, which was, that the blessing we enjoyed in the disposition of our property as allowed by law, was such that we might well afford to pay a tax for it. But there were many other blessings which we enjoyed, and for which, upon the same argument, we ought also to be taxed. He could mention several odious taxes which the Government probably might be ready to adopt. Having now discussed the injustice of the tax, the impropriety of it, and the want of necessity for it, he next came to the question of how the tax was to be raised, and its machinery. He ventured to say that a more odious tax than this never had been proposed—he would not except even ship-money. Its odiousness necessarily arose from the mode of collecting it. Whenever death came, the taxgatherer would come with it; it was not a question of stopping the money in its course—it was a question of coming to our houses in order to ascertain what our settlements were. Every man's settlement would be ransacked by a public officer, in a public office, in order to see how the succession tax would attach. Every incumbrance on every man's property would be ascertained, and the rights of property and of privacy would be invaded. He would ask if men's affairs ought to be dealt with in that way? The income tax was nothing to this. It was true enough you would not pay in the first instance for existing encumbrances; but they did not escape—they were portions of the land, were paid for by the persons who took those charges, and when those persons died then they would have to be paid for by the landowner. The taxgatherer would sit constantly looking at your settlements, in regular course, for the time when they became due. As a banker watched his books to see when bills fell due, so would the taxgatherer watch for successions becoming due; and he (Lord St. Leonards) could fancy that functionary occasionally looking down his list and saying to himself, "This has been a very bad week;" and that at other times the business would be so brisk that he would require the assistance of two or three additional hands. Again, all the property of England was to be valued under the provisions of this Bill; those valuations would cost an enormous sum, and they would require to be repeated at the fall of every annuity. Their Lordships must remember that this was a tax on casualties—upon death, no doubt, but still operating upon all the real and personal property in the kingdom. If this tax was to be imposed and collected in the way proposed, he would ask what became of the sanctity of private life and of private concerns? The law of England had gone on from age to age moulding itself to the circumstances of the times and the country, until at last it had produced the most perfect mode ever known by which a man might have the complete enjoyment of property which might still be in strict settlement. But this Bill would limit the number of settlements by hundreds, because they would never be made. Then there would be evasions upon which the penalties would attach which the Bill imposed for the infringement of its provisions. Again, an enormous staff of officers would be required for carrying it into execution, involving not only a great deal of pay to them, but a considerable amount of patronage in the hands of the Government. The Commissioners entrusted with the carrying out of such a measure ought to be men in whom great confidence could be placed, for they would virtually have the disposal of the property of every man in England. Then there was another question. Was Ireland in a condition in which such a tax should be imposed? He thought the Government was justified in imposing a moderate property tax upon her in common with the rest of the empire, and he did not think, with the terms which had been offered, that she ought to object to it. But let them look at the Encumbered Estates Court, where they would see millions of property passing from the hands of respectable families, in whose possession it had been for centuries—a class whom, with all their faults, and he knew them well, it would be very difficult to replace, for nothing was so difficult to create as what was properly termed a "country gentleman." He said, however, that they were now putting a new tax upon Ireland at the time when she could least afford to bear it. Whilst they were by a strong measure enabling or compelling Irish landowners to clear off their encumbrances, they were creating new ones on the land. He earnestly hoped that the Committee would be granted.

The LORD CHANCELLOR said, his noble and learned Friend (Lord St. Leonards) having, with all the weight of his high authority, denounced this intended measure to their Lordships and the country as one not only very impolitic but characterised by the grossest injustice, he felt it incumbent on him to rise immediately to explain to their Lordships why he believed that that notion of impolicy and injustice rested on no foundation whatever. He must, however, in the first instance, be permitted to remark that, professing but very little experience in the course of proceeding in their Lordships' House, and quite agreeing with what had been said, that it was open to them to enter into the consideration of any measure, whether it originated in the House of Commons or their Lordships' House, he still believed that this course, if not absolutely without precedent, was as nearly so as any that could be suggested—namely, the appointment of a Committee of their Lordships' House to inquire into the expediency of a tax now under discussion in the other House of Parliament. There was another objection which he had to take, to the appointment of a Committee. The noble Earl (the Earl of Malmesbury) proposed to refer this Bill to a Select Committee to inquire into the probable consequences of the measure in question. What was to be done by this Select Committee? The noble Earl slurred that point over in a very delicate manner; he talked of the benefit to arise from the examination of eminent conveyancers and others on the point. Now what could conveyancers tell them on the matter more than they knew already? Why, everybody knew that settlements were made both of real and personal estates; everybody knew that wills were made, and everybody knew that persons died intestate; but as to whether this tax was just and politic, and whether it could be carried into execution, were matters upon which they could derive no information from the suggested course. The proof that their Lordships needed no such information was, that every Peer who had spoken that evening, had manifested that he had mastered the brief placed in his hands, and was already furnished with all the information they could supply for dealing with the subject. Their Lordships knew what the measure was in all its great features, and that being so, he would ask for what purpose the inquiry was to take place? It was said the report of such a Committee might influence the other House. He thought that was rather a wild imagination; but if it was true, the noble Earl (the Earl of Malmesbury) had already gained his object by the discussion which had taken place that night in their Lordships' House. He (the Lord Chancellor) would now proceed to state very shortly—for the whole matter lay in a narrow compass—why he conceived this was not only a just but a practicable measure. His noble and learned Friend (Lord St. Leonards) had objected to the measure on two grounds—first, that it included land in the legacy tax; and, next, that it embraced not only successions coming by death, and derived from wills and intestacies, but also struck at successions coming by settlements, both as to personalty and as to realty. It was extremely important to separate those two considerations; and their Lordships would allow him to deal with them separately. First, he would ask, was there any injustice or inexpediency in subjecting land to the legacy duty, in the same manner as personal property was subjected to it? *Risum teneatis?* It appeared to him simply ludicrous to propound that it was unjust, when you were imposing that which was a species of property tax to tax all property. The difficulty was not to establish the justice of that equalisation of taxation, but to make out a case for exempting any particular species of property. The *primâ facie* case was, that any property being taxed, all property should be taxed as equally as might be. And here let them get rid of the whole difficulty attaching to all subjects of this nature; and that was, it was said, that this tax was unjust. If it was meant by that that cases might be suggested in which there would not be an equality of burden on all the persons taxed, he conceded the proposition; but would they tell him to which of their taxes that objection did not apply? Was it in the nature of things to have absolute justice in the imposition of taxes? They could not do it. Nobody could pretend that the income tax was absolutely just, or that any tax on articles of consumption was absolutely just. The man of 10,000*l.* a year paid a very slight proportion of his income for tea; the man of 100*l.* a year paid a very considerable proportion of his income for that article; and so on with regard to every article of necessary consumption; whence it might be argued that the tax on tea, &c. was unjust. The point was to approach as near to perfect justice as was practicable; which point, as to a property tax, was to be accomplished by imposing the tax as equally as possible upon all descriptions of property, real or personal. He felt this proposition to be so right in itself that he had no need to rely upon any authorities for its support. Mr. Pitt, a person certainly not of a very revolutionary character, deemed it monstrous, in imposing a property tax in 1796, not to include land;

that Mr. Pitt was obliged to yield the point did not at all alter the case, so far as he was concerned. With respect to the land tax, he had been surprised to hear his noble and learned Friend speak of it as though it had been a substitution in 1798, for the proposition of 1796. Why, it had been in operation, as a yearly renewed measure, ever since the time of William III.; and Mr. Pitt's reason for making it a permanent tax in 1798 was precisely that he might, by that means give the option of redeeming it, which could not have been given unless the tax was made perpetual. Of all the arguments that had been adduced in opposition to the Government plan, that based on the land tax was the most unfortunate, for the land tax was a tax, of all others, remarkable for its glaring inequalities, the tax in one parish being, perhaps *2d.* in the pound, and in another *2s.* His hon. and learned Friend said that Mr. Pitt, in the plenitude of his power, did not venture to propose what was now proposed; that he did not venture to impose on land, or on personal estate, a legacy duty affecting children, but only affecting collateral relations or strangers. He had been surprised to hear this. No doubt, indeed, Mr. Pitt did not propose such a tax at that time; but he did propose it, and carry it too before he died, in 1805. But was that all? No—he did a great deal more. Feeling the extreme injustice of what he had been driven to do in 1796, he endeavoured to obviate it in 1805, not by putting a legacy duty on land, but getting as near to this as he could, by imposing a legacy duty on all money charged on land, and on all estates devised to be sold, and he made them pay exactly the same as if they were personal property, indicating that his opinion on the subject had undergone no change. But it was said, what was to be done in the case of an estate heavily mortgaged? He was surprised that that argument had any weight with those who knew that this novel tax, as it was called, on real estate was at this very moment, and had been for more than half a century, a tax on the real property of the country. All leasehold property paid it; it applied to the property of deans and chapters, and most likely to nine out of ten of their Lordships in respect of the property they had in London; and it applied also to a great proportion of leasehold tithes. To them, therefore, the injustice applied, if injustice it was; and he owned it did appear to him to be a species of injustice, for he did not understand why the house he held on lease for sixty years was to pay taxes, whilst his neighbour who held a house in fee simple was not to pay the same taxes. That did appear something of an inequality. One injustice there was in the existing legacy tax which was here removed, and that was that the legacy tax on leaseholds was imposed at too high a rate, namely, on the whole absolute value. The present Bill set that right, and put leaseholds on the same footing as all other property. He had, therefore, come to the conclusion that there was no injustice whatever in including real estate under the legacy duty. He thought it equally clear that there was not the slightest injustice in extending the legacy tax—that was to say, in making parties buy this specie of property tax, not merely on what came to a man by will or intestacy, but on that which came by settlement. Why should it not be so? His noble and learned Friend, like many persons practising in courts of law, was apt to look at these matters in a very different spirit from that in which they were viewed by the country at large. The lawyers found A. B. subject to a certain course of legislation, but they did not care to inquire why C. D. was not also subject to it; they had simply to administer the law as they found it;—but assuredly the public notion was, that property having to contribute to the taxation of the country, all property should contribute, no matter how it came to the possessor, whether by will, intestacy, or settlement, or howsoever. To exempt from taxation property coming by settlement — settlements being the arrangements of the richer classes —it would as a matter of course appear to the general public an unjust exemption of the richer classes to the detriment of the poorer. ["Hear!"] He knew what was meant by that cheer. The tax was paid by the one class as well as the other; but, as a general proposition, it was the rich who settled their property, and the poor who left it unsettled. This was a property tax, arising at the time a party succeeded to an inheritance; and whether he succeeded by an arrangement with his parents or by will, he (the Lord Chancellor) saw no reason in principle why the tax should not be imposed. His noble Friend said they were now extending this succession tax to personal estate, making that pay which had not paid before. To be sure they were; it would be a hard thing, indeed, to put a succession duty on land which a person succeeded to by settlement, and not to impose a similar duty on the succession to personal estate in the same situation. The noble Earl near him (the Earl of Derby) remarked on the hardship as to what were called heirlooms. But there was no duty on heirlooms until they passed into the absolute power of some person who could sell them, and then they were no longer heirlooms. Take the Koh-i-noor, for example; no legacy duty would be payable upon its transmission until it came to some one who had the beneficial ownership, and could sell it. He must advert for a moment to an argument used by the noble Earl (the Earl of Malmesbury), namely, the hardship there would be in parties succeeding, one after another, in rapid succession. That was perfectly true; but it was a misfortune which already attached to persons succeeding to personal estate. The objection was one which was applicable to the whole system of legacy duties, and not to this particular case; but here the hardship would be to a great degree lessened, by a provision with regard to the duties which would accrue within the four years. He had risen merely for the purpose of explaining why, in his view, there was nothing to object to in the extension of this tax from personal to real estate—why it might be collected on real estate as safely as it was on leasehold estate, which was but a branch of real estate; and that there was no reason why settlement should not come in the same category as wills and inheritances. For the reasons which he had stated he should oppose the Motion of the noble Earl.

EARL FITZWILLIAM said, his noble and learned Friend on the woolsack had asked whether it was not more unjust that that property which had hitherto remained exempt from taxation should have been so exempt, than that it should now be subjected to it; but the objections that he (Earl Fitzwilliam) entertained to the proposed taxation, was, not that it was an imposition on land, but that it was an irregular tax. He was ready to agree with his noble and learned Friend that it might be right that land should not be exempt from taxation any more than personalty; and he would go still further, and concede that that taxation might fairly be extended even to settled property, notwithstanding the elaborate and powerful argument of the noble and learned Lord opposite; but there were some questions to which he had heard no answer from any of Her Majesty's Ministers in the course of the debate, and he could not but express his surprise at it. He would ask whether, in any writer on political economy, any argument had been found in favour of taxation which operated, not gently and regularly, but suddenly and irregularly? [Earl GRANVILLE: John Mill.] He was sorry to differ from that eminent authority, but he must have some argument to show that the same amount of revenue could not be collected regularly and equally upon property which was now attempted to be collected suddenly by fits and starts, and which operated upon persons just at that period when it was perhaps most difficult for them to find the means of complying with the requirements of the taxgatherer. But why did not this tax resolve itself into a regular tax upon land? His noble and learned Friend (the Lord Chancellor) had said that nothing was more absurd than the present land tax; and, if they judged it as it now was, that might be truly said, it being in some places only *2d.* in the pound, while in others it amounted to *2s.*; but that did not arise from any injustice in the original imposition of the tax—though he knew it was said by some writers that there was injustice in the mode of assessing the tax in different parts of England; but the inequality of the tax arose from the growth of property in some parts of the country having been much greater than in others. The Chancellor of the Exchequer had told them, that in order to alleviate the pressure on the persons who had to pay this tax, it was spread over four years, and since then he had prefixed another year; but they ought to be careful, and the other House ought to be careful, how they agreed to this tax, for they were taxing persons who were not represented; they were not taxing themselves, or their Lordships, but their own and their Lordships' successors. At the same time, whatever the House of Commons might determine, it was a duty left to their Lordships' House to do little more on such a question than to register what the House of Commons might send up. He was sure it was not wise that their Lordships' House should enter into any conflict with the other House of Parliament, and it was not wise that the other House of Parliament should enter into a conflict with their Lordships' House. It was most desirable that the proceedings of both Houses should harmonise with one another, and therefore he thought the noble Earl who made this Motion had selected well both the time and the mode of doing it, because he had taken it as early as he could consistently with the knowledge of the measure about to be introduced by Her Majesty's Government. But the machinery of the measure was extremely complicated. In the present case there would be no end of valuations—everything connected with land was to be valued; but who would guarantee that the valuations would be conducted in all parts of England on the same principle? In whatever point of view he looked at the tax, he thought it would be fraught with inconvenience, and he thought their Lordships, and the other House of Parliament, and the country at large, were deeply indebted to the noble Earl for having proposed that an inquiry should be instituted. He trusted there would be no mean and foolish jealousy in the other House of Parliament. He was sure the noble Earl proposed it in no predetermined spirit of hostility to the tax in the event of its being clearly shown that the tax could be levied fairly and without inconvenience. He confessed he had very great doubt whether the tax could be so levied; but he hoped every Member of their Lordships' House who might be upon the Committee would go into it with a determination to listen fairly to the arguments that might be adduced, and to those witnesses who might be called for the purpose of showing that it was a tax that would not be fraught with all the inconveniences which he inclined to think would be found to result from it; and he hoped, on the other hand, his noble Friends on the benches near him would go into it also with a disposition to listen to the arguments and the evidence of those who might be called upon and examined in a different spirit. His noble and learned Friend on the woolsack seemed to think inquiry was not necessary; but he would ask how many of their Lordships, before they received the Bill that morning, were acquainted with its provisions; or how many Members of the House of Commons themselves were acquainted with it, and had studied the fifty-nine clauses. His belief was that a vast number of hon. Members who had sanctioned the measure were as little acquainted with it as their Lordships. For these reasons, though not in conformity with the wish he generally entertained of supporting Her Majesty's Government, he should vote in favour of this inquiry, as he thought it would assist them in coming to a sound conclusion on the merits and demerits of this question.

The DUKE of ARGYLL would not enter into any technical details as to the construction of the Act. Perhaps their Lordships might think that when the Government deprecated inquiry into any question not before the House, they were taking advantage of one of those modes sometimes made use of to get rid of an inconvenient Motion. But such was not the case. The noble Earl who had last spoken took entirely different ground from that asserted by the great bulk of noble Lords opposite; for the noble Earl assented to the principle of the measure, in so far as he was willing to extend the tax to real property and settled personalty in order to countervail the legacy duty on personalty. The noble Earl who moved the appointment of the Committee, said he had proposed it with no party view; and he would do the noble Earl the justice to say that his speech was an extremely moderate one. But it was impossible to deny that the Motion did stand in connexion with those principles held by noble Lords in reference to taxation on real and personal property. The loudest cheer which he had heard during the debate was when his noble Friend (the Earl of Aberdeen) complained that the noble Lords opposite seemed to imply that this was a measure prompted by a hostile spirit towards the land; and the substantial ground on which several speakers had supported the Motion was their objection to the extension of the tax to real property, although they accompanied it also by observations as to the inconvenience of extending it to settled personalty. He thought he was justified in saying, that the objection entertained by the majority of noble Lords opposite was, that it would affect unjustly—for that was the word used—the landed interest. Now, he contended that it was impossible for the House to judge fairly of the effect of this measure, as regarded the landed interest, without looking at it in connexion with the other financial measures of the Government—nay, more, he thought it would be unfair to look at this question without considering the position in which land would have been placed by the propositions of the late Government. The principles upon which the noble Lords opposite, when in opposition, founded their objections to the financial measures of late years was the undue pressure they were calculated to put on the landed interest, and they were accustomed to demand various countervailing measures with a view to its relief; but when they came into office, what was it in reference to land they were able to propose? They threw overboard entirely the idea of a protective duty; but, more than that, they threw overboard entirely what had been the favourite scheme of his noble Friend opposite—the transference of certain local rates to the Consolidated Fund; and what did they do with the remaining proposal when in opposition—that of getting rid of the income tax? They not only did not do that, but they actually proposed to renew it in a form greatly aggravated as regarded land. There were two great questions for the present Government to consider, when they came into power. They were not under the necessity of producing a financial scheme to reimburse any parties for losses which they might have sustained; but they found it necessary to review the whole financial system of the country, and to produce some great scheme to effect a settlement of the great question of the income tax—to enable Parliament to part with that tax if it should think proper to do so—to effect further reforms in the tariff, and to deal with the legacy duty. Mr. Disraeli, after abandoning all the plans which he had supported in opposition, wound up his Budget by saying that the existing legacy duty constituted a system of injustice which could not possibly long remain unreformed. Noble Lords might say that that sentence had no very definite meaning, and he did not imagine they had come to any determination on the question. But the existing system of the legacy duty having been pronounced to be a system of injustice, did noble Lords opposite imagine they could escape that question? What would the result have been? In addition to the differential duty, they would have had an altered legacy duty—

The Earl of DERBY wished to correct the noble Duke's statement. The difference in the income tax, as proposed by the late Government, was not a difference between land and other descriptions of property, but between realised or fixed property and precarious incomes.

The Duke of ARGYLL: At any rate it was a differential duty against realised property, of which land formed a principal part; and in addition to that differential income tax, there was the distinct announcement of the late Chancellor of the Exchequer, that the legacy duties constituted a system of injustice which must be revised. Now, if they had been revised, in what direction should the change have taken place? It might be said by the exemption of personalty from duty; but it was perfectly clear that the Government of the noble Earl opposite was not prepared to sacrifice so large a portion of revenue, and therefore, the change would have been in the same direction as the change now proposed by the present Government. He wished to put before the House that the proposal of the present Government, in reference to the legacy duties, was the keystone of the whole of their financial policy, and would enable the country to get rid of the income tax; and he maintained that the incidence of the legacy duty on land would be lighter than that of the differential income tax proposed by the late Government, if considered as a permanent tax; in addition to which, he repeated, a change in the legacy duties had been distinctly intimated by the late Chancellor of the Exchequer.

On Question, their Lordships *divided*:—Content: Present 57, Proxies 69—126; Not-Content: Present 73, Proxies 66—139: Majority 13.

List of the CONTENT.

Present.

DUKES.
Cleveland
Montrose
Northumberland

MARQUESSES.
Bath
Exeter
Salisbury

EARLS.
Beauchamp
Cadogan
Clancarty
Caledon
Cardigan
Delawarr
Derby
Desart
Eglinton
Fitzwilliam
Glengall
Hardwicke
Harrington
Limerick
Lonsdale
Mansfield
Macclesfield
Malmesbury
Mayo
Orkney
Powis
Stradbroke
Sheffield
Talbot
Verulam
Winchilsea

VISCOUNTS.
Combermere
Gage
Hawarden
Hill
St. Vincent
Strangford

BARONS.
Bateman
Bayning
Berners
Bolton
Colchester
Colville of Culross
Dynevor
De Lisle
De Ros
Forester
Feversham
Kilmaine
Redesdale
Rayleigh
Southampton
Sandys
Sondes
St. Leonards
Willoughby de Broke

Proxies.

Delamere
Beverley
Abingdon
Londonderry
Huntingdon
Buckingham and Chandos
Onslow

Guildford
Sinclair
Selkirk
Berwick
Crawford and Balcarres
Warwick
Longford
Poulett
Orford
Crofton
Drogheda
Dunsandle
Boston
Cathcart
Waterford
Buckinghamshire
Enniskillen
Kinnoull
Gough
Manvers
Melville
Rutland
Ely
Middleton
De Saumarez
Roden
Downes
Courtown
O'Neill
Stanhope
Richmond
Gray of Gray

Ranfurley
Lauderdale
Clinton
Clarina
Mountcashell
Braybrooke
Beaufort
Shannon
Stamford and Warrington
Chesterfield
Rosslyn
Manchester
Marlborough
Downshire
Donoughmore
Tankerville
Rodney
Douglas
Saltoun
Castlemaine
Erne
Templemore
Strathmore
Exmouth
Polwarth
Sandwich
Meath
St. John
Leeds
Lorton

List of the NOT CONTENT.

Present.

The Lord Chancellor

ARCHBISHOP.

Canterbury

DUKES.

Argyll
Atholl
Buccleuch
Leinster
Norfolk
Roxburgh

MARQUESSES.

Anglesey
Breadalbane
Camden
Conyngham
Lansdowne
Ormond
Sligo

EARLS.

Aberdeen
Airlie
Albemarle
Bessborough
Bruce
Burlington
Clarendon
Clanwilliam
Darnley
Galloway
Granville
Haddington
Morton
Romney
Sefton
Somers
Spencer
Waldegrave

VISCOUNTS.

Canning
Enfield
Falmouth
Sydney

BISHOPS.

Limerick
Llandaff
Oxford
St. Asaph
Salisbury
Worcester

BARONS.

Ashburton
Alvanley
Beaumont
Camoys
Churchill
Colborne
De Mauley
De Tabley
Dufferin
Elphinstone
Foley
Hatherton
Leigh
Manners
Milford
Overstone
Panmure
Petre
Poltimore
Rivers
Say and Sele
Stafford
Stanley of Alderley
Suffield
Vaux
Vivian
Wenlock
Wharncliffe
Wodehouse
Wrottesley

Proxies.

DUKES.

Devonshire
Grafton
Newcastle
Somerset
Sutherland
Wellington

MARQUESSES.

Bristol
Donegal
Headfort

EARLS.

Cork
Cottenham
Cowper
Devon
Durham
Ellesmere
Fitzhardinge
Fingall
Grey
Glasgow
Home
Ilchester
Kenmare
Leitrim
Lindsay
Lovelace
Morley
Radnor
Ripon
St. Germans
Stair
Strafford
Suffolk
Uxbridge
Yarborough

VISCOUNTS.

Massereene
Torrington

BISHOPS.

Chester
Hereford
Manchester
Norwich
Peterborough
Ripon
St. David's

BARONS.

Auckland
Bellhaven
Blantyre
Carew
Cloncurry
Dacre
Dormer
Denman
Dorchester
Godolphin
Howard de Walden
Holland
Keene
Kinnaird
Lovat
Londesborough
Lyttelton
Methuen
Monson
Rossmore
Ribblesdale
Stourton
Truro

The House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, May 27, 1853.

MINUTES.] PUBLIC BILLS.—1° Copies of Specifications Repeal; Battersea Park.
2° Registration of Assurances.

ELECTION COMMITTEES.

MR. SPEAKER having requested that Members of Election Committees who had not been sworn should come to the table for that purpose,

MR. TATTON EGERTON called the attention of the House to the fact that Mr. George Duncan, one of the Members of the Durham Committee, was also a Member of a Committee on a group of railways which was still sitting, and had attended its meetings so closely from the commencement that, were he withdrawn, it would be like taking away the right hand of the Chairman. He begged to move, therefore, that the Committee appointed to try and determine the petition against the return of the election for the City of Durham be discharged, and the said petition be referred again to the General Committee of Elections.

Sir JOHN TROLLOPE did not intend to oppose the Motion, but he protested against its being made a precedent, because it was calculated to create delay and expense. The General Committee on Elections in every instance where previous intimation had been given that it would be inconvenient for Members to serve upon Election Committees, had attended to those representations. Scarcely a day had passed, indeed, in which he had not received a vast number of such applications, both verbal and written; and he thought that the Members who had made these applications would acknowledge that they had always met with courtesy and consideration at his hands. It would, he repeated, be attended with great public inconvenience if Members, after they had been chosen to serve upon Election Committees, were to be discharged from attending to that duty; but considering the peculiar urgency of the present case, it was not his intention to oppose the Motion which had been made.

Sir FRANCIS BARING regretted that no communication had been made to the Chairman of the General Committee on Elections, with respect to the inability of the hon. Member for Dundee to serve upon the Durham Committee, for in that case the General Committee could have selected another Member, and so not have interfered with the transaction of other business. The question now before the House was one of considerable importance, and in a case of contending duties the House should decide at once which was the first and more important. If they would read the Act of Parliament, they would see that the first duty of the House was, by means of Special Committees, to ascertain who were really Members of the House, and that all other duties were subordinate to that one. On the whole, he thought the House should pause before it resolved to interfere with the selections made by the General Committee on Elections.

Mr. EVELYN DENISON agreed with the last speaker in regard to the importance of Election Committees; but in the present instance he thought the House would exercise a wise discretion by assenting to the Motion of the hon. Member for Cheshire (Mr. T. Egerton).

Mr. LABOUCHERE was inclined to think that the House could not do better than listen to the advice of the hon. Baronet the Member for Portsmouth. It was unquestionably the first and most paramount duty of the House to attend to the business of Election Committees, and, considering the spirit of all their legislation and practice with respect to that subject, he thought they would do wrong in releasing any Member from the duty of serving upon an Election Committee, no matter how he might otherwise be engaged.

Mr. BROTHERTON urged the importance of allowing Members serving upon private Committees to give their undivided attention to the business brought before them in those Committees.

Mr. SOTHERON thought the House would establish a good precedent if it now declared its opinion that the fact of a Member serving upon a private Committee should be held as a sufficient reason why he should not be appointed to serve upon an Election Committee.

Mr. DUNCAN regretted that his name should be mixed up with a discussion in that House; but the present question arose from no wish of his to shirk his fair share of public duty. He was willing to serve either upon an Election Committee or upon a private Committee, and he would cheerfully abide by the decision of the House, only reminding them that he could not be in two places at once.

Ordered—That the attendance of George Duncan, Esq., on the said Committee, be dispensed with.

BURY ST. EDMUND'S ELECTION COMMITTEE.

Mr. STRUTT said, that one of the Members appointed to serve upon this Committee, the hon. Member for Tewkesbury (Mr. Martin), was in precisely the same position as the hon. Member for Dundee, being at present engaged upon a private Committee. He therefore moved—"That the attendance of Mr. Martin on the Bury St. Edmund's Election Committee be dispensed with."

Mr. E. ELLICE seconded the Motion.

Mr. THORNELY thought that as hon. Members were well aware that their names were placed upon panels to serve upon Election Committees, they ought, if they were engaged on railway or other private Committees, to apprise the General Committee of Elections of the fact, and they would then probably be exempted from serving on Election Committees. He must say, however, that he thought Election Committees had paramount claims to the service of Members beyond railway or any private Committees.

Ordered—That the attendance of John Martin, Esq., on the said Committee, be dispensed with.

RUSSIA AND THE PORTE.

MR. J. WILSON then moved that the House at its rising adjourn till Monday next.

MR. DISRAELI: I am very unwilling, Sir, at any time to take advantage of this Motion for the purpose of entering into any general discussion; and nothing but a sense of public duty could induce me to touch upon the topic to which I am about to refer. And even with that sense of duty, I shall now endeavour to confine myself as much as possible to making an inquiry of Her Majesty's Government, making only one or two observations for the purpose of making that inquiry perfectly clear. The subject to which I wish to call the attention of the House and of Her Majesty's Government is, the state of our relations with the Ottoman Porte. The House will recollect that very early in the spring considerable alarm was created, not only in this country, but also in other States of Europe, by the arrival of an Extraordinary Ambassador from the Court of Russia at the Court of Constantinople; but that alarm was allayed by the confident declarations which were made by persons in authority, that this mission, though apparently commenced with circumstances of great pomp and urgency, really did not refer to any subject of general interest or importance, but merely to the relations which ought to subsist between the members of the Greek Church, who were subjects of the Ottoman Porte, and the members of other Christian Churches at the Holy Places in Jerusalem. With that general impression, which obtained currency, I think I may say that the public mind assumed an aspect of tranquillity. However, it so happened, Sir, that about six weeks or more ago, Colonel Rose, who in the absence of Lord Stratford, Her Majesty's Ambassador at the Porte, was really the British Minister at Constantinople, and of whom I am bound to say, as all who have been brought into connexion with him, will bear witness, that he is a man of very great ability, and of considerable knowledge with respect to the country in which he has been placed in a very responsible position—Colonel Rose, I say, was announced to have suddenly communicated with our Admiral at Malta, and requested the instant presence of the British fleet; it being also announced that, in concert with Colonel Rose, the French Ambassador had communicated with the French Admiral at Toulon, and requested his immediate presence, with the fleet, at Constantinople. Well, of course, circumstances of this kind immediately revived that alarm which had been prevalent at the preceding period, and to which I have referred. These circumstances were of course duly considered by Her Majesty's Government; and it was generally understood that the Government had arrived at the opinion that there was no necessity for the appeal which was made by Colonel Rose to the British Admiral. The British Admiral, according to his instructions, could not depart from Malta without previous communication with the authorities at home, and he did not leave Malta. The French fleet left Toulon, and arrived in the vicinity of Constantinople. Well, Sir, the country, placing, I think, a wise confidence in those who hold the responsible office of Her Majesty's advisers on such subjects, from whatever party that Ministry might be formed, did not in any way press the Government for disclosures, and seemed inclined to believe that the view taken by Colonel Rose had been of a precipitate character. Shortly afterwards, Lord Stratford, Her Majesty's Ambassador, arrived at Constantinople; and although at the same time the Russian Ambassador Extraordinary did not quit the Turkish capital, still the question of the Holy Places was said to be a matter of negotiation; and there were still circumstances which caused disquietude among those who gave attention to these questions, and were familiar with some of the details of these transactions. Very recently, however, it appears that the question at Constantinople, which absorbed the interest of the representatives of the great Powers, and occupied the attention of the Porte, has assumed an altogether different character; and instead of its being a limited and local question, connected with the Holy Places of Jerusalem, and the relations which the subjects of the Porte who profess the Greek religion necessarily bear to those places, it was announced, without circumlocution, that the Ambassador Extraordinary of Russia had called upon the

Porte to enter into a convention which—not to weary the attention of the House with details—may be briefly described as a convention which, if agreed to and carried into execution, would transfer the allegiance of a vast majority of the subjects of the Porte in European Turkey from the Sultan to the Emperor of Russia. When this became known, there was, no doubt, considerable alarm, which has not been in any way allayed by the announcement which has been made—I know not with what authority, but which has been made and credited—that Her Majesty's Government did feel that Colonel Rose, when he applied at a previous period for the presence of the British fleet, was justified in the policy he recommended, and the course which he proposed, and that we have sent ships to Constantinople. Now, Sir, I have mentioned these circumstances that I may put before the House as clearly as I can, without presuming to give an opinion on the subject, what has transpired; and having made that statement, which I have endeavoured to make as briefly as possible, offering no opinion whatever on these transactions, I wish to ask these two questions of Her Majesty's Government:—I wish to know whether the English and French Ambassadors at Constantinople are at this moment acting in concert together; and if that be the case, then I should wish to know further whether there is any difficulty, on the part of Her Majesty's Government, in communicating to the House the general scope and tendency of the instructions which they are now fulfilling in concert? These are the two questions which I feel it my duty to put to the Government, and to which I ask a reply from the noble Lord.

Lord JOHN RUSSELL: In reply to the questions of the right hon. Gentleman I will communicate to the House as much as it is possible to communicate at present on this subject without injury to the public service. The right hon. Gentleman has made a statement with regard to certain facts which requires some, though not material, correction, on my part. The English Government were informed by the Government of Russia that the Emperor had thought necessary to despatch a special mission, under charge of an Ambassador, to Constantinople, in order to obtain a confirmation of those concessions which had been made at former times to the members of the Greek Church at the Holy Places of Jerusalem. We were informed at the same time the Ambassador of Russia—as there was occasion to complain that former concessions had been either withdrawn or materially modified by certain orders given by the Sultan in February of last year—was instructed to say that it would be necessary to have some security that the concessions which were again to be confirmed should not be again withdrawn or modified; but what the nature of that security was to be, the Russian Government, as is usual in diplomatic transactions, did not state specifically to any other Government. The Russian Ambassador arrived at Constantinople; and certain circumstances which then occurred, induced the Grand Vizier to feel very considerable apprehensions as to what was about to take place, and he applied to Colonel Rose to ask for the presence of the English fleet near the Dardanelles. Colonel Rose did not communicate the message to Malta by telegraph, but he sent a steamer to Malta with despatches, and with a request to the Admiral at that place that he would proceed, as the Grand Vizier had desired, to the neighbourhood of Constantinople. Admiral Dundas forwarded those despatches to London, and stated that he should wait for orders from the Government before he left Malta. Her Majesty's Government entirely approved of the discretion which Admiral Dundas had exercised, and Colonel Rose was himself informed by the Grand Vizier, I think it not more than two or three days afterwards, that there was no necessity for the English fleet leaving Malta; and accordingly he again despatched a special messenger by steamboat to Malta with a request to Admiral Dundas that he would not change any movements he was instructed to make, and that he would not prosecute his voyage to the neighbourhood of Constantinople. I believe both that Admiral Dundas exercised a wise discretion, and that Colonel Rose was perfectly justified in that second order which he sent—namely, that the English fleet should not be despatched from Malta. The negotiation proceeded; and it appeared that after the arrival of Lord Stratford at Constantinople, his Lordship—as the House will well believe from his ability, from his long experience in Turkish affairs, and from the weight which his opinions and advice have with those who hold responsible positions at the Porte—Lord Stratford de Redcliffe was able to materially assist these negotiations, and enabled Prince Menschikoff to obtain those declarations and acts which were to be considered sufficient, and to which the French Ambassador on his part interposed no material difficulty. It was to be hoped, then, and it was hoped both in London and in the other Courts of Europe, that this affair would occasion no difference between the Courts of Europe, and that this matter of the Holy Places, which had been a source of considerable disquietude, had been settled, and having been settled, the mission of Prince Menschikoff would terminate there. But it appeared that further proposals which Prince Menschikoff made—it is to be presumed in accordance with his instructions, and which in the opinion of the Russian Government were no more than were necessary in order to secure the fulfilment of those declarations which the Porte had made in regard to the Holy Places—were, in the opinion of the Turkish Government, in the opinion of Her Majesty's Ambassador at Constantinople, and in the opinion of the Ambassador of the Emperor of the French, of a nature which could not but be considered to be dangerous to the independence of the Ottoman Porte, and as infringing in some degree those stipulations which all the great Powers of Europe agreed to twenty years ago. With respect to the present state of affairs, no official information has been received more recent than the 9th instant, which is the date of the last despatch received from Lord Stratford de Redcliffe. However, in answer to the question of the right hon. Gentleman, I can state that there has been the most perfect concert and accordance of views between Her Majesty's Ambassador at Constantinople and the Ambassador of the Emperor of the French; and that both have taken the same view of the terms of the Convention which were proposed by the Ambassador of the Emperor of Russia. I should say, further, that in the present state of the negotiations it would not be consistent with due discretion or the good of the public service that Her Majesty's Government should produce the instructions under which Lord Stratford has been acting. I will only say that they may be generally described as instructions leaving much to his discretion, but at the same time, pressing upon him, that it is the fixed policy of Her Majesty's Government to abide by and maintain inviolate the faith of treaties, and to support the independence and integrity of the Ottoman Empire, and the rights of the Sultan as an independent Sovereign. I may, perhaps, be permitted to say, that although we have received no official intimation, there is reason to believe that no rupture of the relations between Russia and Turkey has at the present moment taken place; and I trust that the Russian Government will finally ask no other securities from Turkey than are compatible with the full and independent authority of the Sultan as the Sovereign of Turkey, and with the maintenance of the peace of Europe.

REGISTRATION OF ASSURANCES BILL. —QUESTION.

MR. BRIGHT said, he wished to ask the noble Lord at the head of the Government a question with regard to the Registration of Assurances Bill. He had received on Thursday night, and again that evening, a message by telegraph from persons at Manchester who were concerned in the land and building societies there. Whole streets, in fact some of the suburbs of Manchester, had been built by building societies, and the anxiety there with regard to this Bill appeared to be extreme. He understood that not less than 6,000 or 7,000 of the electors of Manchester were concerned in those societies, and what they desired was this—to be informed whether the Bill was to be read a second time *pro formâ*, and referred to a Select Committee; and, if so, whether they would be permitted to give evidence with regard to its operation upon those particular societies and other societies that were concerned in small transactions in land and building?

LORD JOHN RUSSELL said, the Bill referred to had been introduced in the House of Lords, and was founded on the reports of several Commissions that had been appointed to inquire into this subject. Those inquiries had been made by persons most competent to deal with the matter. What he now proposed was, that the Bill should be read a second time that evening, and then referred to a Select Committee, who would go through every clause, as the hon. Gentleman was aware; and it would be necessary that the Bill should come back to the House, and be submitted to the consideration of a Committee of the whole House. He (Lord J. Russell) thought it would be very inconvenient, after so much evidence had been already taken on the subject, to take any further evidence before the Select Committee. If the hon. Gentleman would suggest to those who had communicated with him on this subject the desirableness of presenting their views to the House in the shape of a petition, he (Lord J. Russell) would have no objection to such petition being referred to the consideration of the Select Committee.

Mr. BRIGHT believed that a deputation from the Manchester building societies was already on its way to London, and he thought they ought to be permitted to be examined before the Select Committee.

Sir FITZROY KELLY asked whether the noble Lord intended to move the Select Committee before the discussion took place on the Income Tax Bill? Was there to be any discussion on that Motion, or was the matter to be proceeded with simply *pro formâ*?

Mr. HADFIELD said, he had presented five petitions from parties whose interests in land and building societies amounted to 850,000*l.*; and these parties thought it was of great importance that their evidence should be received by the Committee.

Lord JOHN RUSSELL: What I propose is not to enter upon any discussion on the Bill, but simply to move the second reading of the Bill, in order that it may be referred to a Select Committee. The whole question will, of course, in that case, be considered by the Committee.

THE ECCLESIASTICAL COURTS.

Mr. HUME said, the House would recollect that, some time ago, a very important subject—namely, that of reforming the ecclesiastical courts—was brought before the House. They were then promised by the Government that a Bill would be brought in upon the subject. He therefore wished to ask the noble Lord at the head of the Government what prospect there was of such a Bill being brought forward?

Lord JOHN RUSSELL: I have already stated to the House on a former occasion that a Commission had been appointed by the late Government on the subject; that they had made up their minds with regard to the general outline of the measure to be proposed, but not as to its details, which would require very great consideration. I then said that it would take not less than three or four months to go through all the details of the measure. Under these circumstances it had been determined not to bring in a Bill on the subject at present.

Motion for the adjournment to Monday next was then *agreed to.*

INCOME TAX BILL.

Order for Committee read.

House in Committee.

Clause 3.

Mr. NEWDEGATE asked whether the Chancellor of the Exchequer would object to allow occupiers of land to have their land valued by competent persons appointed by the commissioners in case they thought themselves overcharged. At present it was left to the discretion of the commissioners.

The CHANCELLOR of the EXCHEQUER had never had this point stated to him by any one, and he was not aware that the occupiers of land felt themselves aggrieved in this respect. He would rather not give a positive answer without inquiry, but he would consider the matter, and give the hon. Gentleman an answer. The commissioners alluded to were not officers of the Government, but local commissioners.

Clause *agreed to;* as was also Clause 4.

Clause 5 (Duties to be assessed and raised under the provisions of Acts recited 5 & 6 *Vict.*, c. 35).

Mr. BRIGHT said, this clause was of a nature which, he thought, the House would be generally of opinion was objectionable. It professed to tell the House and the public many things which were not contained in it, and which would require that any man who had a chance of discovering what it meant should be not only very laborious, but also have a good deal of practice in construing Acts of Parliament. The clause stated—

> "The said duties hereby granted shall be assessed, raised, levied, and collected under the regulations and provisions of the Act passed in the Session of Parliament held in the 5th and 6th years of Her Majesty, c. 35, and of the several Acts therein mentioned or referred to, and also of any Act or Acts subsequently passed explaining, altering, amending, or continuing the said first-mentioned Act; and for this purpose all the said several Acts shall be revived, and shall be deemed to have been and to be continued in force from the day of , 1853."

Now, all the Acts which were thus referred to were absolutely not in existence as law at this period, because they had run their terms, and were positively dead. Not less than eight Acts were referred to in this clause, beginning with the 5 & 6 *Vict.*, c. 35; and then several others followed, which were amending Acts and continuing Acts for three years and one year. He believed it altogether impossible for more than one in ten, perhaps for more than one in fifty, of all the income-tax payers in the country to ascertain what was really the law under which they were called upon to pay the income tax. The Chancellor of the Exchequer had, no doubt, shown a great deal of acuteness, but he had not evinced his accustomed habits of business and administrative ability in proposing such a clause as this. He (Mr. Bright) was of opinion that every new Act of Parliament should be substantially a complete measure in itself, so that any person wishing to know what the law was he had to obey, might be able to do so by referring to that one Act only. The Chairman of Committees in the other House had laid down such a rule with regard to private Bills; and last year, in the case of the Rochdale Improvement Bills which had passed this House, when it got to the other, the Chairman insisted that the Bill should be withdrawn, because it stated repealed Acts, and re-enacted parts of other Acts, and gave as a reason, that the people of the town which was to be taxed ought to know what the law under which they were taxed was, and he insisted that the Bill should be made complete in itself. His (Mr. Bright's) right hon. Colleague and himself had insisted last year on this point with regard to the Militia Bill; and as they were now passing a Bill imposing a tax for seven years (if the Chancellor of the Exchequer had said for seventeen or seventy years, he would have been quite safe), they had a right to have the Bill complete. Appeals and other questions might arise, which gave on every page of the income tax a right to have a law with a distinct meaning, and a very little labour would effect that. He had another objection to the Bill—namely, that this clause re-enacted the machinery of the tax. He objected strongly to the machinery so far as the local commissioners were concerned; and he had stated on a former occasion a plan which would, he knew, be satisfactory to the commercial classes in the north. The local commissioners were chosen from the land-tax commissioners, who were appointed in some hocus-pocus manner at the end of every Session by certain Members, to whom some names of persons were sent. In his district that mode of appointment caused great dissatisfaction, and there were some suspicions entertained as to the impartiality of the commissioners. He had proposed that the local commissioners should be appointed by the payers of income tax; and that the surveyor of a district should send a list to all the persons who paid income tax in the previous year, with a request that each person should place his initials opposite any number of names of persons whom he wished to be appointed commissioners; and that list having been sent back to the surveyor, he should count the votes and publish in the *Gazette*, or the local papers, the commissioners so chosen for the ensuing year or two years. He (Mr. Bright) was in favour of the income tax, and disagreed with the Chancellor of the Exchequer as to its being abolished in 1860. He should prefer its remaining so long as there was a single indirect tax; and what he proposed was proposed in good faith towards the Chancellor of the Exchequer and the Government, and he proposed it because he knew what was the feeling now in his own neighbourhood; while if the local commissioners were appointed in the manner he suggested, there would be a feeling in favour of the justice and impartiality of the commissioners, which was impossible under the present system. He believed also that the right hon. Gentleman would find that under commissioners so selected the management would be better, and the revenue greater. If there was any objection to his plan, he should be glad to hear it from the Chancellor of the Exchequer. He did not wish to move that the Chairman report progress, for it was his desire that this measure should pass speedily; but still he thought the Chancellor of the Exchequer ought to give an assurance that if the Bill was allowed to pass in its present shape, he would undertake to give them a consolidated Bill at an early period, and also that he would fairly consider the subject of the appointment of the local commissioners. By this Bill there was practically no appeal to special commissioners if a return was sent in to the local commissioners; and there ought not to be any restriction on appeals to the special commissioners. He should not make any Motion, but he felt it to be his duty to appeal strongly and earnestly, but in no feeling of hostility, to the Chancellor of the Exchequer, to explain the views he held, and to give a pledge that he would effect a consolidation of the measure, and consider the question of a better mode of appointments of the local commissioners. He (Mr. Bright) had brought the subject forward, because he was anxious to make this measure as little irritating to the public, and as advantageous to the revenue as possible.

The CHANCELLOR OF THE EXCHEQUER said, that he did not for a moment question the motives with which the hon. Gentleman had made his statement to the Committee; and was satisfied that when he had heard the explanations which he (the Chancellor of the Exchequer) was about to offer, that he would see that his criticisms upon this Bill were not well founded, although the objects which he had in view might be perfectly rational, and, he fully granted, quite open to consideration. In the first place, the hon. Gentleman was entirely in error if he supposed that because this was a supplemental and amendment Bill, therefore he was precluded from introducing improvements into its provisions. The Bill certainly revived several old Acts, but it revived them subject to any provisions or alterations which the Committee might choose to introduce into the present measure; and so far from precluding the making of amendments, the bulk of the Bill which he (the Chancellor of the Exchequer) had introduced consisted of amendments of the existing law; and it was perfectly competent for any person to propose still further amendments. With regard to the proposal for a consolidated Bill, such a Bill must be considered in two ways: first, with respect to the convenience of hon. Members, as well as of persons out of doors, so as to present a clear intelligence as to what was to be done; and, next, with reference to whot was still more important, namely, the functions which this Bill had to perform as a Ways and Means Act for the services of the year, and the limitation of time, which on account of those functions must necessarily be confined. On the first ground, he thought it more for the convenience of the House that they should see the new enactments standing by themselves. If he had introduced a consolidation Bill, with about 250 old and 50 new clauses, how many hon. Members would have been able to make themselves masters of such a document? And would he not have been told that by bringing the whole of the law before the House, instead of the parts upon which he proposed new enactments, the new and old had been inextricably mixed and confounded together? But then as to the other consideration. It would have been impossible to introduce such a Bill, looking to it as a means of levying revenue to be brought into the Exchequer by a certain period, so as to have it passed in time. The present Government, when they came into office in January last, had to investigate the very foundation of the tax, and to examine at large into all the considerations connected with its structure. It was impossible for them to come to a conclusion on all these questions without taking time; and they could not in justice to the House, after they had arrived at their conclusion, have delayed the announcement of it for a period of two or three months, until a consolidation Bill had been drawn. He did not think the hon. Gentleman himself would have approved of the course of the Government if, after coming to a conclusion as to the substance of the measure they meant to propose, they had sent to the Solicitor of the Board of Inland Revenue instructions to go to work and draw a consolidating Bill. Why, such a Bill could hardly have been ready in the course of the month of June. [Mr. BRIGHT was understood to say that all that might have been done before.] Did the hon. Gentleman mean to say that they might have drawn the Bill before they knew what they were going to propose? It would have been most unwise, impracticable, and absurd for the Government, having determined on the substance of a measure upon which the whole finance of the year depended, to have taken three months in preparing its form. The hon. Gentleman also said that the machinery for levying the tax ought to be changed—and certainly the demand which he made for improvements in this respect was to a considerable degree reasonable. A great part of the discontent with the present machinery, he (the Chancellor of the Exchequer) believed, arose from its not being so extensively known as it ought to be that parties liable to be assessed had the power of referring their cases to the special commissioners, instead of going before the local commissioners. But, irrespective of that, it was quite open to any one to urge that great improvement might be made in the machinery as far as concerned the local commissioners. The hon. Gentleman asked why not choose the local commissioners from lists of all those who had paid the tax in the previous year, and by allowing all those assessed for the coming year to vote? He (the Chancellor of the Exchequer) had not come to any conclusion on the subject; but he would just point out certain difficulties that did not appear to have occurred to the hon. Gentleman in his statement of the case. It was perfectly possible to tell who paid income tax under Schedule D in the previous year, but no one could know who had paid under Schedules A or C; and would the hon. Gentleman have one set of commissioners with their officers attached to deal with Schedule D, and other sets to deal with the other schedules; thus doubling, or in fact trebling, the organisation, and causing great increase of expense? Again, in other respects how would the hon. Gentleman's plan operate? Those who had met with severe losses last year, and had not paid the tax at all, would be known to the world as not having been in the receipt of 150*l.* that year. That he did not think would be very acceptable in such cases. Again, there was another large class of persons who claimed exemption as receiving under 150*l.* a year; and he was not quite sure that lists being publicly circulated, the non-appearance upon which of any person's name would be a proof to his neighbours and rivals that his income did not reach 150*l.*, would be very agreeable to that class. Perhaps the hon. Gentleman would say they had no right to object to publicity. That was an abstract proposition, which might or might not be maintained; but during the many years that this tax had existed, it had proceeded on the principle of secrecy, and of not disclosing private affairs beyond what was strictly demanded by public necessity. The plan of the hon. Gentleman, however, looking at what appeared upon the surface of it, was objectionable, because it would expose the circumstances of parties to their neighbours, which might not at all be agreeable. Again, there was an objection to the introduction of a new machinery much the same as the objection to a consolidating Act, namely, that whereas by the existing system they could go to work and proceed to make the assessment at once, if they dispensed with the present organisation a considerable interval must elapse before the new boards could be put into operation, and there would be a corresponding delay in levying the tax. Again, he had already made his financial calculations as to the amount which the income tax would yield to the public Exchequer by the beginning of April next, and he had gone upon the assumption that the House would agree to an Act upon which they could proceed to work at once; but if the Committee insisted upon the machinery being changed before the Bill was passed, he would not be able to balance the revenue and the expenditure of the country, and they would have entered into the month of July before anything could be done. He admitted that the existing machinery did require considerable attention, and he had in this Bill proposed certain improvements, which could be effected without delay. One improvement that he proposed had reference to the filling up of vacancies which occurred in the number of Commissioners who were originally appointed in the year 1842. At the same time, he believed, there was elected a long list of persons to fill up from time to time the successive vacancies as they occurred in the list. It appeared to him, that there was no reason at all for retaining those lists for filling up vacancies, which of course merely showed the opinion of the board at the time, and that a better way would be for the Land-tax Commissioners to provide the lists. He wished to call the attention of the hon. Member for Manchester to another difficulty in the case: the whole question of the local machinery of the income tax must be considered in reference to the local machinery for the collection of the other taxes. It was very questionable whether the machinery under which commissioners were now appointed by the name of Land-tax Commissioners, for discharging a great number of important functions, should not be submitted to modifications, as well as the more limited machinery applied for collecting the income tax, which also depended on that of the land tax. This was a very grave and complicated question, which could not be settled without considerable delay; he quite agreed with the hon. Member that it required serious consideration, and whenever he should be in a position to give it that consideration, he should be happy to find himself able to propose a plan adequate for its purpose, and such, also, as would give satisfaction to the House. He did not like to be required to give any pledge on the subject of the consolidation of the various statutes bearing on the subject of the income tax. He was afraid the demand made was one which he should not be able to satisfy, for the hon. Gentleman said that laws of this kind ought to be made intelligible to all persons who had not received a legal education. To bring the construction of these laws within the reach of such persons, was no doubt extremely desirable, but very far from being easy. Perhaps the hon. Gentleman would say that they were mere taxing Acts, and easy of comprehension. Customs Acts, indeed, were as intelligible to a layman as to a lawyer; but he was afraid the subject of the income tax was not so easily dealt with. The nature of property in this country, and its very complicated forms, rendered it almost impossible to deal with it for the purpose of the income tax in a very simple manner; but he concurred with the hon. Gentleman in thinking that whatever could be done should be done; and also that when the House had determined what change it would make in the law, they should then proceed as soon as possible to get a consolidated law, not to be passed in a hurry, but to be deliberately considered, so that everything might be brought into the clearest and most connected form.

Mr. BRIGHT denied that he had passed any censure upon the Chancellor of the Exchequer for not altering the machinery of the income tax, because that subject had probably not been brought before the notice of the right hon. Gentleman. He still, however, must consider him faulty in not having endeavoured to consolidate these Acts, because he maintained there were many persons who, within twenty-four or forty-eight hours, would have produced a complete Bill upon the subject. With regard to the secrecy necessary, it was well known that at present there was little or no practical secrecy, the returns made by persons under the income tax constantly turning up in the most unexpected places; and he had not asked that every man's assessment should be printed, but that there should be such lists as would suffice for guidance as to voting purposes. The right hon. Gentleman was bound to attempt something in the way of consolidation and of the amendment of the machinery by next Session. The opinions of the Judges had been given that this was not framed as an Act of Parliament should be; and it was unquestionably unconstitutional to tax men by Acts which they could not comprehend. As to the alteration of the machinery, he did not say the matter would not require consideration to put it in its best possible form, but he certainly hoped the right hon. Gentleman would do something with regard both to the machinery of the Act and to consolidation in the course of the next Session.

Mr. G. A. HAMILTON felt bound to confirm in the strongest manner, as regarded Ireland, the objections which the hon. Member for Manchester had brought, as regarded England, to the manner in which the Act was framed. Since the Bill had been laid on the table, he had devoted much time in endeavouring to ascertain its bearings on Ireland, and he had come to the conclusion that it would be found in practice that an amount of confusion, litigation, and difficulty would be created in reference to the application of this Act to Ireland which Her Majesty's Government did not at present contemplate. By the Income Tax Act the owner of land in England was given the power of deducting income tax for interest paid to mortgagees; and he wished to know whether it was contemplated by the Bill that the same power should be given to the landowner in Ireland of deducting the tax from those who held the ordinary securities of bonds and judgments? This was one source of embarrassment that struck him, and many others were likely to occur.

The CHANCELLOR of the EXCHEQUER said, no doubt it was intended that the same power should be given to landlords in Ireland of deducting the tax on the interest of mortgages and bonds, as existed in England. In regard to the objections brought against the construction of the Act, the hon. Member did not say what other course could be pursued. Did he think that the matter would have been simplified and consolidated if they had attempted to construct a totally new system of income tax for Ireland? The opinion of those whom they had consulted was in favour of an opposite course, and they were recommended to take such provisions of the existing law as might be applicable to the circumstances of Ireland, and to apply any other special provisions which might be necessary.

Mr. J. PHILLIMORE could not help bearing his testimony to the loose and slovenly way in which this clause had been drawn. It was certainly quite contrary to the spirit and letter of the constitution that the people should be called upon to pay taxes under such an authority as this. The tax was to be assessed and collected under the provisions of the 5 & 6 *Vict.*, c. 35, and of the several Acts therein referred to, "and also of any Act or Acts subsequently passed explaining, altering, amending, or continuing" that Act, for which purpose all these Acts were to be revived; and then followed this extraordinary provision:—

> "And all powers, authorities, rules, regulations, directions, penalties, clauses, matters, and things

> contained in or enacted by the said several Acts before recited or referred to, or any of them, shall, notwithstanding that the same may have expired, severally and respectively be and become in full force and effect with respect to the duties hereby granted, and shall in all cases not expressly provided for by this Act, and so far as the same are not superseded by and are consistent with the express provisions of this Act, severally and respectively be duly observed, applied, practised, and put in execution throughout the respective parts of the United Kingdom."

What evil could be worse than that a man who wanted to know what his rights were was to be referred to such a clause as this? The answer which the right hon. Gentleman had given to the hon. Member for Manchester, did not appear to him perfectly satisfactory, because he believed it was perfectly possible for any three lawyers, with far less administrative ability than was possessed by the Chancellor of the Exchequer, in conjunction with the Attorney and Solicitor General, within forty-eight hours to have made this Act quite intelligible, and to have put it before the House in a less disgraceful shape than that in which it now appeared. If this Act had been prepared by a Hindoo, he believed it would have been urged as a proof of the incapacity of the Hindoo mind. If it was important that any Act should be intelligible, it was so in the case of one affecting the interests of five or six millions of British subjects. It was perfectly possible to have embodied in this clause the sense of the Acts referred to; therefore the House had great reason to complain of being called upon to pass an Act drawn in so slovenly and disgraceful a manner.

Sir FITZROY KELLY said, that as regarded that portion of the Act which applied to England, he would be rather disposed to trust to the alterations which might probably be effected by the Chancellor of the Exchequer hereafter, than to have the measure delayed, as the right hon. Gentleman said would have been necessary if he had sought to introduce a consolidated Bill; but, with regard to Ireland, the case was altogether different. He would submit to the right hon. Gentleman whether he could not even now introduce into this Bill a few clauses which would be quite sufficient to place the case of Ireland upon a separate and distinct footing with regard to the operation and practical working of this tax. The right hon. Gentleman had not, he thought, answered the question put by the hon. Member near him (Mr. Hamilton). Securities on land in Ireland were on an entirely different footing from similar securities in England; and the hon. Member had asked whether, by the provisions of this Bill, or any other measure, the Government proposed to enable the owners of land in Ireland to deduct the interest paid, not upon mortgages, but upon other encumbrances on land which were of a nature unknown in England. One evil arising from the course of legislation of which the hon. Member opposite had complained was, that by this 5th clause the Act of the 5 & 6 *Vict.*, and all the other Acts referred to or incorporated in that Bill, were also incorporated and made part of the present measure, and that not only as far as related to England, but to Ireland. Now, among the 190 odd clauses contained in the 5 & 6 *Vict.*, was a clause referring to four or five earlier Acts of Parliament relating to assessed taxes or land tax, and applying the machinery and regulations contained therein to the present renewal of the income tax. Of course, there was no difficulty in applying this to England; but, what was to be done in the case of Ireland, where there were no assessed taxes and no land tax? Before it was too late, he hoped the right hon. Gentleman would confer with the legal Members of the Government, and see whether it would not be preferable to insert a series of clauses in the Bill applying distinctly to Ireland, and showing by what machinery the income tax was to be raised there. Unless this course was adopted, he believed a degree of confusion, difficulty, and uncertainty would be created which the Government at this moment could scarcely anticipate.

The CHANCELLOR of the EXCHEQUER said, that the hon. and learned Gentleman would find, by the wording of the Bill, that the Acts to which he referred were not revived at all with reference to Ireland; but, even supposing they were, nothing could be more barren of effect, inasmuch as no assessed taxes or land tax existed in that country. If they were revived, which he denied was the case, they would, therefore, merely be revived in an abstract manner, and no difficulty whatever could arise. With reference to the question which had been put by the hon. Member for Dublin University (Mr. Hamilton), and repeated by the hon. and learned Gentleman, that subject had been considered, and it was now provided for in the Bill as it at present stood.

Sir DENHAM NORREYS objected to this Bill being made to depend upon other Bills. If it were necessary to introduce the income tax into Ireland, the Chancellor of the Exchequer should have taken the trouble to form a measure which should be in itself an entire one, and not dependent upon other Acts. English gentlemen now were accustomed to pay the income tax, and did not care much about it; but Irish gentlemen were different, and he doubted if it would be expedient to press the income tax upon that country. The tax would fall with great severity upon the tenantry, who were too poor to pay it, so that they would actually have to advance the amount from their capital, and in some cases a tenant would be compelled to pay the entire income tax due upon 100*l.* upon a very much less sum.

Colonel DUNNE considered that the complaint urged against the Bill—namely, that it was unintelligible, was a very reasonable one. There was one clause in it which no one could possibly understand; and the reason which had been given for not explaining the obscurity in which it was involved was, that the difficulties were so great that very few were capable of understanding them. Would he be told that the Government were unable to set forward in a clear manner the machinery employed in working this tax? In his opinion the operation and execution of this tax were as bad as the principle of it. He would call upon the right hon. Gentleman for some explanation on this point, although it seemed to him that the right hon. Gentleman, who was a great master of language, had used his power in this Bill on the principle of the diplomatist who declared that the use of language was to conceal and not to express our ideas.

Mr. BLACKETT said, he thought that the verbal and technical arrangements of the present Bill, faulty as it was as regards this country, appeared to him to be still more so as regards Ireland. He acknowledged the courtesy with which the right hon. Gentleman (the Chancellor of the Exchequer) had referred to the observations which he had addressed to the House; and he had listened to his speech with great attention at the beginning, and great surprise at the close. He must confess himself at a loss to conceive how the right hon. Gentleman, with his statesmanship, with a large and well-disciplined majority, could have foregone the opportunity of reaping a rich harvest of popular favour, as he certainly would have gained from the mercantile classes if he had made any attempt to grapple with the machinery of this odious tax. The plea of want of time was about the last he should have expected them to put forward, because, when he remembered that the Government had undertaken to bring forward a scheme of a most gigantic character during the next week—that of introducing a Bill for the government of India—they must, in his opinion, possess a large surplus of energy and of time. The right hon. Gentleman had expressed a hope that next year he might be in a position to consolidate the statutes relating to this tax, and deal with its machinery. Nothing could be further from his intention than to throw any doubt upon the sincerity of the right hon. Gentleman; but before the House consented to the change proposed, it should consider how the income tax stood at present, and whether there was a probability of ever having a better opportunity or a more favourable time for its modification. At the time when this measure was first passed, it was under circumstances which afforded some excuse for its defective machinery—at a time when there was a great deficiency in the public revenue, and when no one had had any experience of the working of a tax of this description. The question of the income tax must have occupied a prominent place in the deliberations both of the late and of the present Government. The right hon. Gentleman the Chancellor of the Exchequer made this tax the keystone of his policy, and proposed to renew it for a term of years so long as to be almost equivalent to renewing it for a perpetuity. In his opinion, if they let slip the present opportunity, the consideration of the working of this tax might be deferred till the Greek kalends, and certainly there would never be a better opportunity than the present for remodelling the machinery of this tax. There was one thing he wished to press upon the attention of the Chancellor of the Exchequer; that, although there might be objections to the amendments of the hon. Member for Manchester, not one of the amendments introduced a new principle, or interfered with a single penny which was to be gathered under this Act. He complained, therefore, that they should be called upon at once to pass a clause sanctioning the renewal of the whole of that machinery by which the mercantile classes had been irritated and harassed for the last ten years. For instance, the present manner in which commissioners of the income tax were appointed gave great annoyance and dissatisfaction to those classes. They wished to have those commissioners appointed in a more satisfactory manner. This Bill attempted, in a very clumsy manner, to define what allowances were to be made for losses in trades: that ought to be more satisfactorily dealt with. It was also desirable that a better arrangement should be made with reference to the provision of a court for the hearing of appeals against assessments under Schedule D. Almost all Members connected with commercial constituencies had come to that House pledged up to their necks to do their best to procure a graduated scale of assessment. From that pledge their constituents had practically released them, and had agreed to accept the income tax with a uniform pressure, severely as that pressure had in many cases been felt, and unjustly as it operated; but the greater the liberality that their constituents had shown towards them, and the more ample the concessions that they had allowed them to make for the convenience of the Chancellor of the Exchequer, the more had they a right to demand that their representatives should use their utmost exertions to sweep away all unnecessary defects in this Bill, and to mitigate, as much as possible, the working of this odious tax.

MR. MICHELL was understood to suggest that the clause should be altogether expunged, in order that other and more simple and perfect provisions might be introduced. As for secrecy under the present machinery of the tax, it was out of the question. The returns men made were often found in the butter shop, and cheese had been sent to his own house wrapped up in his own return. He agreed, for the most part, in the observations of the hon. Member with respect to the machinery of the tax, which he thought most objectionable.

MR. CAYLEY wished to draw the attention of the Chancellor of the Exchequer to a case of a somewhat singular character, and one which he hoped might excite his sympathy. The Motion of his right hon. Friend the Member for Berkshire (Mr. R. Palmer) was to the effect that the tax should be levied upon net, not upon gross income; and if it were so levied, the case which he was about to mention could not occur. It was that of a small holder living upon his own land, who had for eight years received nothing, and yet had been paying income tax.

The CHANCELLOR OF THE EXCHEQUER said, that in the case to which the hon. Member alluded, although the person referred to made nothing but his rent, he had at the same time paid the expenses of his living. If the small occupiers of land were so extremely poor, he was sorry for them; but although the case which the hon. Member had brought forth might excite his sympathy, yet it would hadly be enough to guide him in forming an opinion upon rules of State.

SIR JOHN PAKINGTON rose for the purpose of putting a question of great importance to the Chancellor of the Exchequer—one which was viewed with deep interest by a large number of persons. His question related to the 41st clause. But though it related to so late a clause in the Bill, he thought it desirable to have an explanation from the right hon. Gentleman before they arrived at it. The 41st clause empowered persons before they paid the income tax to deduct the amount of any premium upon life assurance from the income upon which they were taxed. The question was, to what incomes did the Chancellor of the Exchequer intend to confine or limit the power of making the deduction? The clause did not in this respect appear to him to be very clear. His conviction was that the clause, as the right hon. Gentleman had framed it, was meant only to extend exemptions to incomes under Schedules D and E; but the words of the latter part of the clause seemed to have a different meaning, and to imply that all persons paying premiums on life assurance were to be allowed to make the deduction. An impression prevailed in the country that the owners and occupiers of real property were to have no such exemption. It was upon this head, particularly, that he wished to be informed.

The CHANCELLOR OF THE EXCHEQUER: I need not now enter into details, but briefly reply to the question of the right hon. Baronet, that there cannot be the least doubt but that the exemption in question is applicable to all the schedules of the Bill.

MR. I. BUTT said, that he doubted whether there was a single hon. Gentleman who knew precisely what he was going to vote upon; and he was strongly opposed to legislation upon matters of great importance, not directly, but by implication. This was what they were asked to do now; for if they agreed to the clause now before the House, they would by that simple vote re-enact a Bill of 194 clauses, with the provisions of which he was sure not a single Member of that House was acquainted. Nay, more, they were to re-enact "all Acts subsequently passed, explaining, altering, amending, or continuing the said first-mentioned Act;" therefore Members must actually have recourse to an index of the statutes to ascertain what was re-enacted by this clause, which further provided that the provisions of these various Acts were only to be of force so far as they were consistent with those of this Act. So that it would be necessary that Members should be minutely acquainted with the whole of the various provisions of these several Acts of Parliament, that they might know which of them were or were not inconsistent with the provisions of the present Bill, and therefore were or were not re-enacted by this clause. But the power of this Bill had reserved for Ireland "confusion worse confounded," for it declared that the provisions of the various Acts passed previously were to be applicable to that country in all cases not provided for by this Act, and so far as they were consistent with its express provisions. It really seemed as if the draughtsman was anxious to furnish a practical proof of the necessity for the measure introduced by the Government for the consolidation of the statutes. If the Chancellor of the Exchequer had really made up his mind as to what clauses in the various Acts that had been passed on this subject he wished to repeal and what to retain, there would have been no difficulty in preparing a Bill which should have clearly set forth what was re-enacted and what was not. Feeling the importance of not legislating on such important matters by implication, he would, if it were consistent with the rules of the House, and would not impede public business, move that the consideration of this clause should be postponed.

Mr. BOUVERIE (the Chairman of the Committee) said, that it was not competent for the hon. Member to move that the clause be postponed. That could only be done by order of the House.

Lord JOHN RUSSELL said, that he understood the hon. and learned Member to say, that if it would not impede the progress of public business, he would move that this clause be postponed; but since he could not move the postponement of the clause, he must therefore move that the clause be negatived. But that would in fact be to negative the whole Bill, for the purport of the clause was to re-enact the powers and authorities of the Income Tax Act which had already expired. The Income Tax Act was very much considered in 1842. All its clauses were gone through in the shape of a Bill, and it was then stated by Sir Robert Peel, that in framing the Bill he had considered the provisions both of Mr. Pitt's Income Tax Act, and of that introduced in 1806 by Earl Grenville and the Marquess of Lansdowne, who were not persons likely to frame measures in every way clumsy and absurd, and it was not therefore to be presumed that every clause in these Acts was a mistake and a blunder. Since 1842, the House had repeatedly considered the question of the income tax; and upon these various occasions they had contented themselves with re-enacting the provisions of the Act of 1842, without much alteration. The question now was—whether it was desirable at the present time to go over the whole of the provisions of the Act of 1842, to re-enact certain portions of it, to reconsider and alter other parts, and in fact to have new machinery altogether. In his opinion that course would lead to great public inconvenience. The Chancellor of the Exchequer could not well have brought forward the Budget for the year until towards the end of April; the Income Tax Act expired on the 5th of April, and he had heard it stated in 1848, 1851, and in other years, that everybody concerned in the collection of the revenue concurred in representing the great importance of having the Income Tax Act passed before the 5th July; because, if it were not, the greatest difficulty would arise in making up the books, and collecting the outstanding tax. He therefore thought it was the best course to revive the Act as it at present stood on the Statute-book, to renew and confirm that Act, and to take all the powers and authorities under it. He did not say that the hon. Member for Manchester might not be right in the proposition which he had made; but it was a subject which required very great consideration, and was one which should certainly be separated from the mere question of the renewal of the income tax. He begged the House to observe, that in the first enactment of the Act, that which was the foundation of it was the Act for imposing the assessed taxes. Those who prepared that Act thought it of great importance that the persons concerned in the collection of those taxes should not be persons immediately depending upon or in any way connected with the Government. Whether that was wise or not, was a fair subject for consideration; but he thought it was rather too large a question to be considered on the present occasion. He was far from saying, however, that it was not a fair question to bring before the House on another occasion. The question of the extension of the tax to Ireland was also quite a separate question from the re-enactment of the powers of the old Act. With respect to that point, he did not think that the Chancellor of the Exchequer could have taken a more convenient course than to say that, with such alterations as appeared obviously to be necessary, the general powers and authorities given by that Act should be extended to Ireland. It would, he thought, have been cumbrous and unnecessary to have gone through all the clauses of the Act of 1842, and to have re-enacted them for Ireland. If special provisions were required for that country, let them be considered; but that did not seem to be opposed to the general view, that the most convenient way to extend the tax to Ireland, was to re-enact that general measure, and then to make any alterations which the different circumstances of Ireland might render necessary.

MR. MAGUIRE thought that when the House was imposing the income tax on Ireland for the first time, it was not too much for the Irish Members to ask that they should be enabled to understand it. Now he defied any Irish Member to know what he was voting for when he assented to this clause. For himself, he declared solemnly that he did not understand a single word of what he was going to vote for, and he was therefore desirous for some further explanation of what would be its effect.

MR. KIRK said, that he had as an Irish Member voted for the imposition of the tax upon Ireland, under the belief that he would thus relieve the tenant farmers from the burden of the consolidated annuities, and of the other direct taxes under which they were labouring. He still retained full confidence that the expressed intention of the Chancellor of the Exchequer to do this would be carried out in the details of the Bill. He found, however, that by the 13th clause of the present Bill the tax was to be assessed on rateable hereditaments, according to the valuations under the Poor Relief Act; and that the assessment was to be made on the occupier or other person rated to the relief of the poor. Now, in order really to effect what he understood to be the Chancellor of the Exchequer's intention, it would be absolutely necessary to release the tenant from the direct payment of the landlord's income tax, which might be done by substituting tho word "owner" for that of "occupier," in the 13th clause. Any attempt to collect income tax from the small occupiers of land in Ireland, would entail great hardship upon them, while it would be attended with so much expense, that the tax would hardly pay the cost of collection. The only objection which he had heard to this was, that it would be impossible to ascertain the owners of the soil; but he believed that this might be done without any difficulty through the medium of the police.

The CHANCELLOR OF THE EXCHEQUER thought that this question would be much more conveniently discussed when they arrived at the 13th clause. He was quite alive to the importance of this question, and to the weight of the considerations which might be urged in favour of that view of it which was taken by the hon. Member. The only object of the Government was to provide the best, fairest, and simplest mode of collecting the income tax in Ireland; and there were no doubt a great many points in connexion with the operation of the clause which had been referred to, upon which they were most desirous to have the aid of Irish Members. That, however, was not the question immediately before the House. The clause they were then discussing went to the root and framework of the Bill, and was decisive as to the time at which this tax would be levied, and as to when it would be available for the purposes of the State. It therefore formed the very base of the financial propositions of Government. It was, however, quite open to the Government, or to the Committee, to levy the tax in Ireland either upon the owner or occupier without interfering with the progress of the Bill; and he therefore thought that the discussion of this point might very well stand over.

MR. LUCAS gave the right hon. Gentleman full credit for a desire to pass this Bill in a way most suitable to the circumstances of Ireland. In order to do this, he (Mr. Lucas) would propose that the clauses relative to Ireland should be withdrawn from the present measure, and that a separate Bill with regard to Ireland should be introduced. This would meet the greater part of the practical difficulties which had been referred to. Here they had a Bill by which a new tax was to be applied to Ireland, and which, if drawn out at length, would consist of 190 or 200 clauses, and those clauses were not, in fact, to pass through Committee at all. They were not to have an opportunity of considering those clauses in detail, and therefore, without having any wish to offer an unfair obstruction to the proposition of the Chancellor of the Exchequer, he had brought before him a proposal to which the right hon. Gentleman ought to give his consent. If this proposition were assented to, he would not oppose the clause; but otherwise he should feel it his duty to take the sense of the Committee on the question.

Question put, "That the Clause, as amended, stand part of the Bill."

The Committee *divided:* — Ayes 96; Noes 26: Majority 70.

Clause *agreed to;* as was also Clause 6.

Clause 7.

COLONEL DUNNE made an inquiry for the purpose of ascertaining whether the tax was to be charged according to the residence of the person, or the locality of the property.

The CHANCELLOR OF THE EXCHEQUER replied, that with regard to real property, it would be placed in the same position as real property was in England under the present Act. Property derived from the profits of land in Ireland would be charged in Ireland. The taxation of other species of property would depend upon the residence of the possessor.

COLONEL DUNNE said, that if the property were charged according to the residence of a person, when that person was resident in England no credit would be given to Ireland for the tax. In the Excise and Customs a great deal was in that way credited to England, and not credited to Ireland.

The CHANCELLOR OF THE EXCHEQUER explained, that the persons who now, under Schedule A, pay the income tax in England in respect to land in Ireland, will, of course, continue so to pay it; but that which now wrongly appears as an English tax would hereafter appear as an Irish tax.

MR. G. A. HAMILTON apprehended that what his gallant Friend wished to ascertain was, whether there should not be a distinct separation in the accounts of income tax paid in England and Ireland; that there should be a Schedule A for Ireland as well as for England, and so on, in order that each country might be exactly credited with the amount it paid. He believed, however, that the object of his hon. and gallant Friend could be attained without the insertion of a specific clause, as arrangements might be entered into by the Treasury for the purpose.

The CHANCELLOR OF THE EXCHEQUER said, there could be no doubt as to the propriety of putting all returns under the income tax from Ireland in the same account, and he could assure the hon. and gallant Gentleman that his suggestion would not be lost sight of.

Clause *agreed to;* as were also Clauses 8 to 11 inclusive.

Clause 12.

LORD NAAS said, that as this was the first clause which raised the question of how far the existing machinery in Ireland would enable them to collect the income tax, he proposed to put a question to the right hon. Gentleman, upon which some explanation was requisite, in order to satisfy the people of Ireland. When the proposal to extend the income tax to Ireland was on a former occasion discussed, it was urged over and over again by the highest financial authorities in the country that, laying aside the policy or the impolicy of that measure, if the House were to decide upon such an extension, it would be found in the end to be wholly unproductive to the revenue. It was, therefore, before proceeding further, not an unwise question to ask the right hon. Gentleman whether he was prepared to lay before the Committee some estimate or some calculation which would enable it to form an idea as to the actual amount that would accrue to the Exchequer in consequence of the extension of the income tax to Ireland. Now the right hon. Gentleman ought to tell the Committee whether the expense of collection, under the clauses before the House, would not be likely to swallow up a great portion of the sums derivable from the tax. In 1845, when the hon. Member for Sheffield (Mr. Roebuck) brought forward his Amendment to extend the tax to Ireland, the greatest financial authorities gave it as their decided opinion that such an imposition would not in any such way increase the resources of the Treasury as would at all counterbalance the evils attendant upon its collection. And the then Chancellor of the Exchequer (Mr. Goulburn) spoke on the subject in the most explicit manner. He stated, that he had gone into the inquiry, and that he found the imposition of the income tax upon that part of the United Kingdom might indeed lay upon the people of Ireland a heavy burden: but that, looking to the Exchequer, the amount that would be available would be indeed very small:—

> "That, unlike the indirect taxes that were collected in that country, it would be got in at such an enormous expense in proportion to the amount, that the ultimate payment into the Exchequer would not by any means be equal to the burden imposed on the people. They had had some experience as to the collection of such taxes in Ireland already. They had had the assessed taxes in Ireland already at a former period, and the result was that they imposed a heavy burden on the people, and got nothing whatever into the Exchequer. If they had imposed a property tax on Ireland, having to create anew the whole of the machinery necessary for its collection, what would be the result? Why, they would have oppressed the people, and got nothing for the Government."—[3 *Hansard*, lxxvii. 790.]

What he wanted the right hon. Gentleman opposite, therefore, to show was, that the altered circumstances of Ireland were such as to justify him in throwing overboard those high financial authorities who had spoken in 1845, and in coming to the conclusion that beneficial effects would accrue to the Treasury from the extension of the tax to Ireland. His (Lord Naas's) opinion was, that, so far from having better grounds to adopt the proposal, it was actually the reverse; for though the improvements which had taken place within the last two years were undoubtedly great, still the country was by no means in as rich or prosperous a condition as it was in 1845. He believed that the taxpaying capability of Ireland was much greater then than it was at present, and, therefore, the objections of those high financial authorities would prevail and apply with far greater force now; and to show this, it was only necessary to remind the Committee that the circulation of Ireland was one-third less than it was in 1845; that the exportation of cattle and corn was also nearly one-third less, and that whereas in 1845, 3,000,000 quarters of grain and malt had been exported, only 1,324,000 quarters had been exported last year. So that, in point of fact, it was impossible to make out the case, that the taxpaying capacity of Ireland had been enlarged since 1845. He was justified, therefore, in asking what were the causes which had enabled the Government to come to a different conclusion from that of the Government of 1845; and also what was the amount expected to be realised from an Irish income tax?

The CHANCELLOR OF THE EXCHEQUER said, that with respect to the question of the amount that was to be levied from the income tax in Ireland, he had frankly avowed that which was upon the surface of the case, namely, that on all these questions generally every man must entertain and form his own opinion. They were all on an equality in respect of their power of judging what would be the probable produce of the income tax in Ireland, and he did not enjoy from his official position any advantage that would enable him to arrive at a conclusion such as the House ought to receive on his authority and on the authority of the Government. He had already stated that there was but a meagre list of documents and of documentary evidence to which he could refer; and he need not now repeat it, because the noble Lord, he had no doubt, must be perfectly aware of it. The noble Lord had quoted the authority of his right hon. Friend the Member for the University of Cambridge (Mr. Goulburn), and the sentiments he had expressed on the question in 1845. His right hon. Friend was then simply recommending to the House to pass a continuing and reviving Act; there was nothing in the nature of reconstruction or extension contemplated by his proposition; there was no man who would give a more conscientious judgment; but the bias of his mind was to view strongly and favourably those reasons that would discourage an alteration in the income tax at that time. With respect to the condition of Ireland, and the change it had undergone since that period, and with respect to their means generally of forming a judgment of the practicability of levying the income tax in Ireland, he did think there was something to be said over and above what could be said in 1845. Various changes had taken place since 1845, all of which tended very much in the direction of facilitating the imposition of the income tax at present, and amongst the deplorable consequences of the famine, there were consequences also that were not deplorable. For example, there was a great diminution in small holdings in Ireland: the better defining of title, and the simplifying of possession in Ireland, was advantageous: and the progress that had been made in the construction of a trustworthy valuation in that country was of advantage. The improved and strengthened machinery of the poor-law was in operation; but, above all, they had, with respect to Ireland, that which he ventured to say was better than the opinion even of such men as his right hon. Friend and of Sir Robert Peel, when the opinion was merely anterior to experience, namely, the example of what had occurred with respect to the consolidated annuities, which they were now going to remit. He did not hesitate to say that the mode in which the consolidated annuities were collected under the authority of the law, offered a strong presumption, and he would almost say a demonstration, of the probability of levying the income tax in Ireland, and threw a light on the question that was quite sufficient to enable them to judge that no ruinous or excessive costs would attend its collection. He did not now speak of the effect of the removal of the consolidated annuities, but referred to the subject as affording most valuable and conclusive evidence, which, in 1845, was wanting, as to the practicability of levying such a tax. Another instance to which he might refer was the collection of the rate in aid. The result of attempting to levy a rate in aid was a result arising from an attempt that was made under circumstances infinitely more unfavourable than the circumstances under which they proposed the present law for imposing the income tax. The distress at the time was greater, and the public opinion with respect to the rate in aid was not of a nature to facilitate the levying of it. He would only now refer to the working of the rate in aid. He believed he was correct in stating that the calculation was, that the proceeds of the rate in aid would be about 421,000*l.* That was the calculation formed before the rate in aid was imposed. The Act passed, the rate was levied, and when the account came finally to be rendered, it was found that 420,000*l.* had been brought into the Treasury. He must confess that he would be perfectly satisfied if the production of the income tax came as near to the estimate.

Mr. J. BALL wished to offer a suggestion in reference to the next clause.

The CHANCELLOR of the EXCHEQUER begged to interpose for a moment, to offer a suggestion. As the Government were anxious to derive all the advantage they could from the representations of the best-informed persons, he would propose to postpone the 13th clause.

Mr. J. BALL thought it would be better to pass over that evening the whole of the clauses referring to Ireland. He denied that the measure involved any increase of taxation in Ireland; on the contrary, he was quite certain that it involved a remission of taxation in Ireland. He sat down with pen and paper to calculate, half-year by half-year, the result of the various financial changes that had been proposed. In the first year he found the increase would be 37,800*l.*; in the next year, 144,000*l.*; and in the next, 40,000*l.* During the remaining four years, ending in 1860, there would be a continual diminution of taxes in Ireland, leaving, at the end of the time, a balance of about 170,000*l.* But as there would be at that period an arrear of income tax due, the final result would be to leave no balance whatever on either side. But they should recollect that the proposition would produce the important effect of removing taxation from the industrial classes, and placing it on the owners of property.

Mr. MACARTNEY begged to explain that the rate in aid was levied so effectively, because a stoppage was made for it out of the rates collected under the poor-law, and the amount thus obtained was placed before Parliament to show that Ireland was able to pay a rate in aid.

Sir DENHAM NORREYS wished to know if a tenant occupied a farm worth 30*l.* a year, which was about the average value of farms in Ireland, and paid, as he supposed he must, according to the proposed system, thirty sevenpences for the landlord, how was he to recover the money; and further, what would he have to pay for the value of his occupation?

The CHANCELLOR of the EXCHEQUER said, no tenant whose property was valued to the poor-law at less than 100*l.* a year would be charged with profits of occupation. As to the mode in which the tenant was to recover what he paid on the value of the land itself, that would of course be deducted from the rent, and was not so serious a question as the hon. Gentleman proposed; though, of course, it had a serious bearing on the question whether the tax ought to be paid in the first instance by the landlord or the tenant. It was with a view to the more full consideration of this question that he proposed to postpone the clauses.

MR. I. BUTT asked a question in reference to an Amendment of which he had given notice, in the 13th clause. It was a great hardship for a tenant to have to pay income tax according to a rating that was beyond the actual rent which he paid. No doubt that in the case of a tenant being charged for income tax, whose income was below 100*l.* a year, he had the power of recovering the money which he had paid as income tax back again. The fact, however, of compelling him to pay this tax in the first instance was a hardship. He (Mr. Butt) proposed that such person might be allowed to come in the first instance before the assessor, and to claim exemption from the tax by showing that his income was below 100*l.* a year.

The CHANCELLOR OF THE EXCHEQUER was understood to say that he had read the Amendment, and that he would consider it in connexion with the general subject.

MR. MAGUIRE asked what was the *minimum* amount of rate to which an occupier would be liable?

The CHANCELLOR OF THE EXCHEQUER said, that point would be determined by the poor-law rating, which fixed the *minimum* at 4*l.* 10*s.*

LORD NAAS proposed at the end of Clause 12 to add these words:—

> "Provided always, that as soon as the valuation of any poor-law union in Ireland shall have been completed, under the provisions of an Act passed in the Session of Parliament held in the 15th and 16th years of Her Majesty, chapter 63, in order to the assessing of the duties chargeable under schedules (A and B) of this Act in Ireland, the commissioners of valuation in Ireland shall, instead of the clerk of the union as aforesaid, between the 1st day of April and the first day of June in every succeeding year, transmit to the Commissioners of Inland Revenue, at the head office in Dublin, true copies of the last final list of all the tenements and rateable hereditaments comprised within the said poor-law union, which the said commissioner of valuation had transmitted to the clerk of such poor-law union, in conformity with the provisions of the afore-mentioned Act."

The noble Lord said, he had great objections to the employment of any of the poor-law officials, except for purposes of the poor-law. That principle, which he considered objectionable, was now, he believed, for the first time to be introduced into an Act of Parliament. There was a Bill passed last year for a general valuation of all the land of Ireland to be rated for county and poor-law purposes. It was therein enacted that the commissioners of valuation, after having duly valued the land, should transmit to the boards of guardians a final list of all the property in the several unions rated for the relief of the poor. He thought that the same mode of obtaining information for the purposes of the present Bill ought to be adopted.

LORD NAAS consented, at the suggestion of the CHANCELLOR of the EXCHEQUER, to allow the Amendment to stand over for further consideration.

MR. MAGUIRE was anxious to point out to the Chancellor of the Exchequer a grievance which would arise to the occupiers of small tenements under the latter portion of the 13th clause. The clause said that the tax should be paid by the occupier. Now, suppose a man had property yielding 90*l.* a year. In that case he would not be liable to pay any income tax; but, further, suppose that he let his land to several tenants, say at 10*l.* a year each, these tenants, by this clause, would be liable to pay the income tax on their several holdings. Now, inasmuch as the landlord would not be liable to pay the income tax, the question he wished to ask was, whether these tenants could legally deduct from their rent the money they had paid on account of that tax? If not, in what manner were they to obtain redress?

The CHANCELLOR OF THE EXCHEQUER said, there was not the least doubt about the question, supposing the Bill should pass as it now stood; for in that case the occupier would be liable to have the tax levied on him irrespective of the question whether the landlord was or was not liable. It was the same thing in England. If the tenant paid 7*d.* in the pound on his 20*l.* rent, he would make a deduction of what he so paid from his rent, and the landlord not being liable, because his income was under 100*l.*, would, of course, get the money back from the commissioners. It was a hardship, no doubt; but still the evil was not so great as one might suppose, as such a case could only happen but once. Persons having once been exempted from the tax were seldom charged again. At the same time it was a very serious question, whether they should adopt the 13th clause, which, however, was not then before the Committee, or whether they should enact the non-liability of tenants in respect to the occupation of their farms.

Clause *agreed to.*

Clauses 13 and 14 were *postponed.*

Clause 15 (The Commissioners of Inland Revenue may direct revaluations where existing valuations are incorrect).

The CHANCELLOR OF THE EXCHEQUER proposed to add a proviso, empowering the parties to make an appeal from the valuation of the commissioner of valuation to the Commissioners of Inland Revenue, with a view to a revaluation of the property.

LORD NAAS said, although the proviso just proposed in some degree lessened his objection to the clause, still he thought there were good grounds for opposing it. He did not think it right to give power to persons to do that in respect to the income tax which the parochial ratepayers had not a right to do in respect to parochial rates. He should move that the clause be omitted.

MR. F. SCULLY supported the clause as it stood. At present a man had no appeal, but was bound for fourteen years. He considered the clause as a fair one, and believed it to be in perfect unison with the Bill of the noble Lord (Lord Naas) of last year.

SIR ARTHUR BROOKE wished to know whether the expense of the revaluation was to be paid by the Government?

MR. KIRK asked if the right of appeal was to be given when parties were rated too low, as well as when they were rated too high? By lowering the rate in boroughs from 8*l.* to 7*l.* 15*s.*, it might be the means of virtually disfranchising the parties.

MR. CAIRNS said, the objection to the clause was this. If the commissioners thought that a particular property was valued too low, they had a right to direct its revaluation, and then the Government proposed to give the owner a right of appeal against the revaluation. But suppose the owner was of opinion that his property was valued too high, where was his right of appeal? The Amendment of the Government did not give it; it was only where the commissioners directed a revaluation that he had it; but if there was no revaluation, then there was no right of appeal. But if it was right to give the commissioners power to order a revaluation, in the event of their being of opinion that the former valuation was too low, surely it was equally just that a similar power should be given to the taxpayer, in the event of his thinking that the former valuation was too high. The Amendment of the Chancellor of the Exchequer proposed to give a right of appeal in the one case, but to refuse it in the other, and was therefore so far defective.

MR. G. A. HAMILTON said, it was not very clear whether the clause under consideration was intended to apply to valuations made by poor-law guardians, or to those made by the commissioner of valuations in Ireland. There was a great difference between the two classes of valuations; and if the clause was intended to apply only to the valuations made by poor-law guardians, there might be no grounds for objecting to it; but if it was intended to apply to the valuations made by the commissioner, then he hoped the House would not adopt it.

The CHANCELLOR OF THE EXCHEQUER trusted the Committee would not act upon the advice of the hon. Gentleman opposite, for it was plain that the clause was necessary as a protection to the revenue. If they were dealing with the case of Ireland after the whole of Ireland had been valued by the commissioners of valuations, then all parties might join together and say that they should accept the valuation of the commissioner as being impartial and sufficient; but the Committee had to consider that over a considerable part of Ireland there was no valuation at all by the commissioner, though there was one by the poor-law guardians. Now, he thought it would be absurd to subject the levying of the income tax to the standard of the poor-law valuation, or, in other words, to leave the fixing of the valuation for the income tax simply and purely in the hands of local authorities. There could be nothing in his opinion more fair than to say that the Commissioners of Inland Revenue, where they thought that the valuation was too low, should be entitled to step in and demand that a revaluation should be made by that authority which Parliament had already recognised and established as a proper authority for making valuations in Ireland. In reply to the remarks of the hon. Member for Dublin University (Mr. Hamilton), he had to state, that the clause was not intended to apply to valuations made by the commissioners of valuations; but it was plain that if they were not to give power to the Commissioners of Inland Revenue to order a revaluation in the case of a poor-law valuation being too low, they would place the revenue in a most disadvantageous position. The hon. Member for Belfast (Mr. Cairns) complained that they did not intend to give the taxpayer the right to appeal against the existing valuations; but there really did not appear to be any sufficient reason why such a right should be granted. He was entitled to assume that the present valuations were not unjust or unfair to parties, inasmuch as they had been made either by the taxpayers themselves, or under the provisions of the Act recently passed, and which had been carefully framed with the view of enabling the parties to be heard. He assumed, therefore, that the existing valuations were perfectly fair, and that the interests of parties were reasonably secured. But the Government wanted some security for themselves. The clause under consideration gave them that security; though he admitted to the noble Lord the Member for Coleraine (Lord Naas), that, perhaps, it would be well to add a few words to make it clear that the power of the Commissioners of Inland Revenue to order a revaluation only applied to valuations made by poor-law guardians, and not to valuations made by the commissioners appointed under the recent Act of Parliament.

Lord NAAS thought the plan of Government would distract the commissioners, who were rating Ireland as rapidly as possible.

Colonel DUNNE said, it was perfectly clear the clause was framed by some one who had very little knowledge of Ireland. Griffith's valuation was nearly finished. The clause was most impolitic, and he advised the right hon. Gentleman to consult the Secretary for Ireland, who knew something about the question.

Mr. J. BALL was afraid, from the terms in which the clause was expressed, that it would lead many to suppose, what he was sure was not intended, that the commissioners were to have power to order a revaluation of single tenements. He suggested that words should be introduced to the effect that the revaluations ordered by the commissioners should be revaluations of districts.

Mr. CAIRNS agreed with the Chancellor of the Exchequer that it was fair to assume that parties were satisfied with the existing valuations made *inter se* for poor-law purposes; but when they came to apply those valuations to a different purpose, such as the imposition of an income tax, it did not follow that they would afford an equal amount of satisfaction to those who had to pay the tax. In the case of a poor-law rate, it did not much matter to individual ratepayers what the valuation might be, provided it was equal over the whole union, for there was there a congeniality of interests; but in the case of an income tax each man stood for himself, and it was therefore important that the valuation should be a sound and just one for individuals.

Sir DENHAM NORREYS taunted the noble Lord the Member for Coleraine with having passed his Valuation Bill of last year in hot haste, and without allowing the Irish representatives an opportunity to discuss it properly. It was too bad for the noble Lord to come forward now and say that his defective legislation should not be corrected; and he hoped the Chancellor of the Exchequer would not give way to the pressure from the opposite side of the House.

Colonel DUNNE asked to whom the expense of the contemplated revaluations was to be charged?

The CHANCELLOR of the EXCHEQUER replied, that when the House had settled the principle upon which the revaluations were to be conducted, it would then be time enough to make provision for the payment of the expenses.

Mr. F. SCULLY recommended that the clause should be postponed for further consideration.

The CHANCELLOR of the EXCHEQUER saw no reason why the clause should be postponed; and, indeed, the Committee were not competent to do it. The truth was, that parties at present had power by law to apply for a revaluation—[*Cries of* "No, no!"] Why, poor-law guardians might procure a new valuation, and he took them to be adequate representatives of local interests. He, therefore, saw no necessity for making a special provision with the view of granting a right already possessed by parties.

Lord NAAS repeated the expression of his willingness to withdraw his opposition to the clause, on the understanding that it was intended to apply only to the valuations made by poor-law guardians.

Mr. CAIRNS said, that if the right hon. Gentleman persisted in forcing the clause through the Committee, notwithstanding the objections which had been stated, he should feel it to be his duty, when the Report was brought up, to propose an Amendment for giving to parties a power of appeal similar to that conferred upon the Commissioners of Inland Revenue.

Clause *agreed to;* as was also Clause 16.

Clause 17 was *postponed.*

Clauses 18 and 19 were *agreed to.*

Clause 20, providing that appeals in Ireland are to be heard and determined by the Commissioners for Special Purposes,

MR. MAGUIRE asked on what principle it was intended to value incomes derived from trades and professions in Ireland?

The CHANCELLOR OF THE EXCHEQUER said, the hon. Gentleman was probably aware that there were a great variety of provisions which were all set out in the present Income Tax Act for the valuation of incomes derived from trades and professions. The same principle, as appeared upon the face of these provisions regarding England, would apply to Ireland, and he did not know that there was any reason for, or possibility of, having a different set of rules for that country. When they came to the execution of the Act, some differences might arise out of the peculiar circumstances of Ireland, and out of the fact that they had not the same means of levying the tax as they had in England; and it might be found necessary to adopt some more summary, though not more stringent, methods of obtaining information. That was a matter for consideration in detail, but he saw no reason for adopting a different standard as regarded trades and professions in Ireland from that which prevailed in this country.

On an Amendment of Mr. I. BUTT, to the effect that assessments should be made in Ireland by special commissioners in certain cases, similar to the provisions of the clause in regard to England,

The CHANCELLOR OF THE EXCHEQUER said, that the effect would be to distribute all over Ireland, officers of a higher class, and receiving higher pay, to perform duties ordinarily performed in England by persons of a different class. It seemed to him more natural that the assessment should be made by the same class of people as in England, and that an appeal should be allowed; that such appeals should be heard by the assistant barrister, who should be bound to hear applications, not in open court, but in private, although he would decide judicially upon them. If, however, any better system could be proposed, he was willing to consider it.

MR. I. BUTT wanted nothing for Ireland that England had not got; but by the English Act, any person might be assessed by a Commissioner for Special Purposes, by sending in a return to him, and passing by the local commissioners. He believed that there was such a provision in the English Act; but if not, his argument failed.

The CHANCELLOR OF THE EXCHEQUER stated, that it was intended that Ireland should be on the same footing with England, and he would take care that the words should be introduced into the Irish Bill.

Amendment *withdrawn;* Clause *agreed to.*

Clause 21.

In answer to Mr. G. A. HAMILTON,

The CHANCELLOR OF THE EXCHEQUER said, that appeals against assessments, he believed, must be heard at quarter-sessions, and it would be necessary for the assistant barrister, before deciding such appeal, to take the oaths or affirmation required to be taken by the Commissioners for Special Purposes.

COLONEL DUNNE wished to know if any arrangements as to costs had been made?

The CHANCELLOR OF THE EXCHEQUER considered it unnecessary to make any arrangement with regard to costs. They would be, no doubt, arranged as in England.

Clause *agreed to.*

Clauses 22, 23, and 24 were also *agreed to.*

Clause 25.

MR. BROCKLEHURST moved Amendments, giving power to the General Commissioners to compound with parties. For the last few years the income tax had been allowed to pass for one year; but now, when it was proposed to pass it for seven, he wished to see it in a satisfactory state. If the machinery at present in use were to be applied when the operation of the tax extended to incomes of 100*l.* a year, it would cause a great deal of discontent, which might be removed by allowing persons to compound for the last year, according to the decision of the Commissioners.

The CHANCELLOR OF THE EXCHEQUER considered that the proposal of the hon. Member would give a power to the commissioners which they had never enjoyed before. It was a fact that, although the income tax had been in operation for eleven years, there were many people taxed under Schedule D, who did not know that there was a power of appeal to the Special Commissioners; and, while this state of information continued, there might be great misapprehension caused by adopting the proposal of the hon. Member.

Amendment *withdrawn;* Clause *agreed to.*

MR. I. BUTT moved an Amendment to exempt income under 150*l.* a year derived from precarious sources, and all clerical incomes, from the operation of the tax. The question he proposed to raise was one of very considerable importance; and he would show the Chancellor of the Exchequer that he had for his proposal authority which he at least must respect. At present all incomes under 150*l.* a year were exempt. This had been the limit fixed by Sir Robert Peel, in 1842. He (Mr. Butt) would much prefer that limit had been adhered to in this Bill; but whatever might be said as to the propriety of lowering it in the case of religious property, he felt confident the Chancellor of the Exchequer had shown no just reason for his proposal to include those who possessed precarious incomes between 100*l.* and 150*l.* a year. Clerical incomes, no matter from what source derived, were strictly professional incomes, subject to all the incidents of such; and whatever rule they applied to the incomes of other professional men, it was plainly right to apply to those of clergymen, without reference to the source from which their income was derived. His (Mr. Butt's) Amendment, therefore, was, in substance, to prevent the extension of the income tax from applying to those whose income was derived from precarious sources. He was now dealing, the House would observe, with the imposition of the tax upon new classes; as to some of these classes he was resisting that imposition. He earnestly asked their attention to the circumstances of those whom it was now proposed to subject to this tax for the first time—he meant those having precarious incomes exceeding 100*l.* and under 150*l.* a year. This was the extension of the tax, if he might use the term, to a great, even a numerous, community. It actually brought more new persons within the operation of the tax than did the extension of it to Ireland. The right hon. Gentleman calculated that by extending the tax to this class of incomes, he would increase its amount 250,000*l.* But to obtain that sum 100,000 persons must be taxed. The question, therefore, was, whether they could now extend the income tax to these 100,000 persons—persons who were the least able to bear it—and the very class upon whom its imposition would be most unpopular. He (Mr. Butt) said that he had high authority for resisting this proposal. He confidently claimed the vote of the right hon. Baronet the First Lord of the Admiralty (Sir James Graham). He was not about to quote from former volumes of *Hansard* declamations of an ancient date, which might have been made under different circumstances. The opinions he was about to quote had been uttered, he might say, in the course of this very debate, in the very discussion in which they were now engaged. In November last, the House had resolved itself into a Committee of Ways and Means. For what purpose? To consider by what means they might raise the supplies for the current year—exactly the declamation in which they were now engaged. This Bill was the first result of the discussions of that Committee. In that Committee, upon the very subject which they were now discussing—in the very proceedings which constituted the early stage of the Bill now before the House, the right hon. Baronet solemnly and emphatically warned them not to impose the income tax upon the class to whom he (Mr. Butt) proposed to continue the exemptions. This was the advice authoritatively given to the House of Commons by the right hon. Baronet, on the subject of raising any of the supplies for 1853 by a tax on incomes below 150*l.* :—

> "I think there are very good reasons why those exemptions should be maintained. I am of opinion that the class having incomes between 100*l.* and 150*l.* in this country consists exactly of that class of persons whose position is that of the greatest struggle in maintaining their position. It is exactly the point where skilled labour ends—where, if I may so express myself, the fustian jacket ceases to be worn, and broad cloth comes into use amongst the working classes. It is more or less a class of persons who are driven by the force of circumstances to maintain a position somewhat higher than their means allow. As an instance of what I mean, I will say that clerks in counting-houses, the humbler clerks in public offices, many of the ministers of the Established Church, and nearly all the dissenting ministers, have to maintain a position somewhat higher than their humble means will easily permit."

These were just the classes whom he (Mr. Butt) proposed to exempt. The right hon. Baronet proceeded to point out to them the evils of unduly increasing direct taxation, and concluded with this warning :—

> "Guided by that experience, do not press unduly your direct taxation in time of peace. It is your great resource in time of war. And I entreat you on these grounds to pause before you consent to the resolution now proposed."

This was the advice to which he (Mr. Butt) had listened with attention when the House was in Committee considering the very subject upon which they were still engaged. But, independently of any authority, he was prepared to contend that the description he had read of this class of persons was a just one. There was hardly any one possessing an income within the range now proposed to be affected, who was not struggling to make both ends meet in the effort to maintain a position a little above his means. He confidently asked them, was the clergyman struggling to maintain himself and his family upon 120*l.* a year—pinched to support the position of a gentleman—with constant demands of charity upon his ill-replenished purse—was he a fit subject for this taxation which they were now about to impose for the first time upon his slender means? These, too, were the classes by whom the inquisitorial character of the tax would be most felt—who would be most reluctant to expose the truth that they were on the verge of competence, and that the appearance which they struggled to keep up was one above the little income on which they lived. Was it worth while, for the sum to be raised, to bring disquiet and the sense of oppression into the homes of the numerous class whom they were about to tax? He must remind hon. Gentlemen that he was not proposing anything inconsistent with the general financial scheme of the Chancellor of the Exchequer. The right hon. Gentleman, without disturbing that scheme, would even spare the entire amount to be raised from this class. But, if necessary, there were other reductions which could easily be dispensed with. Revenue was remitted upon articles of luxury—upon the importation of articles never heard of, except at the banquets of the rich, to an amount equal to that which they proposed to raise by grinding the poor clergyman and the humble and hardworking clerk. Again, the Chancellor of the Exchequer gave up 50,000*l*, a year in the tax upon attorneys, 70,000*l.* on the assessed taxes, and 40,000*l.* on the supplements of the newspapers—give up these reductions, and he did not want the tax upon the 100,000 families living on less than 150*l.* a year. He (Mr. Butt) was not proposing anything the adoption of which would subvert the general plan of the Budget—nothing which might not be supported by the most ardent admirers of the Budget as a whole. At this stage of their proceedings he was bound to satisfy the House that the alteration he proposed was not subversive of the general scheme to which the House had assented. He confidently said he had done so. It might be said that he was proposing a principle of "differentialism," as it was termed, when he made a distinction in favour of precarious incomes. But his proposal entailed of necessity no such consequence. He only affirmed that there was a particular class whom it was unjust and oppressive to tax, and therefore he asked that they should not be taxed. If they were determined to maintain the principle of making no difference between fixed and precarious incomes—and if his Amendment was carried—those who thought so would then propose, as a necessary consequence of that vote, to exempt also realised incomes below 150*l.* a year. He must, of course, be prepared for that consequence; and he would remind the House that in all his calculations and arguments he had estimated the loss of revenue resulting from his proposal at the full amount of 250,000*l.* a year—the loss which would follow if all incomes below 150*l.* a year were exempted. He, himself, did not feel called on to propose this exemption of all; but if any hon. Gentleman thought that it followed as a necessary consequence, he was quite content to meet the case in argument with that consequence, and say, "You must give up taxing these precarious incomes—so strong are the arguments of justice and expediency against it—even if you think this will oblige you to give up at the same time the tax upon realised incomes of the same amount." His assertion was, that it was unjust and inexpedient to tax the former with this; and with this only was he concerned, except as he might be called on to answer an objection by proving that even if it should carry with it the other remission, this constituted no valid reason against it. There was still one consideration to which he must earnestly entreat the attention of the House. In lowering the limit of the tax to 100*l.* a year, they were, for the first time, applying it to the wages of skilled labour. In Sheffield, and in many other of their manufacturing towns, there were many, very many, artisans receiving regular wages above two pounds a week, principally in occupations attended with great risk, or of so unhealthy a character as to shorten the lives of those engaged in them. The House ought not to shut their eyes to this—that in fixing the line of exemption at 100*l.* a year, they were bringing down the taxation to this class. He might be told that there were artisans whose wages were high enough to bring them even within the present line. These, however, were very rare and exceptional cases, and in practice the tax was not attempted to be enforced. But when they fixed the limit at 100*l.* a year, they included wages which were not of a very rare and, certainly, not an exceptional character; they extended their taxation to a class too numerous to justify them in conniving at this evasion of the law without an attempt to enforce it; and he therefore warned the House that they were now establishing the principle of imposing an income tax upon the wages of skilled labour—a tax which they must either enforce under circumstances of the most grievous oppression, or permit a numerous class to treat their law as a mockery. He now submitted his proposal to the House: as an opponent of the income tax, he ought, perhaps, to wish that it should be rejected, and that the tax should be left in a form as unpopular as possible. Now—retaining, as he owned he did, all his sympathies with what were now termed the obsolete doctrines of protection—he ought not, perhaps, to feel very anxious to prevent the artisan classes from suffering in direct taxation some of the inconveniences of the system of free trade. He would not feel justified in acting on such motives. Once Parliament directed that an income tax was to form a part of our financial system, he believed it his duty as a Member of that House to use every effort in his power to improve its working, and make it as little burdensome and as little unpopular as it could be made. With these convictions he proposed to retain the exemption in the case of precarious incomes at the limit at which it now stood, believing that this would at least mitigate, in the imposition of the tax, the injustice which he admitted it was now in their power altogether to remove.

Amendment proposed—

"Page 14, line 1, to leave out from the words 'shall be' to the end of the Clause, in order to add the words 'continued as therein provided to all such persons in the United Kingdom in respect of any duties chargeable under Schedules (D) and (E):

"It shall also be continued to all such persons in the United Kingdom in respect of any duties chargeable in any manner by this Act upon any income, stipend, or emolument received by any clergyman, minister, or religious teacher of any denomination, from or in right of any ecclesiastical benefice, preferment, or in respect of his occupation as such minister or religious teacher,' instead thereof."

The CHANCELLOR OF THE EXCHEQUER wished to know what the hon. and learned Gentleman had really moved? In the notice he had given on the paper the hon. and learned Gentleman stated it was his intention to move "the following clause."

MR. I. BUTT said, he meant "clauses." The effect of his Amendments was, that, as regarded precarious incomes of less than 150*l.* a year, and as to clerical incomes, the exemptions in the old income tax were continued.

The CHANCELLOR OF THE EXCHEQUER said, the hon. and learned Gentleman had spoken of this in the paper as a single clause, and then, at the moment of proposing his Amendment, he had made a fundamental alteration in it. He should view the Amendment as one complete plan of exemptions which the hon. and learned Gentleman proposed to apply to the Bill. First, then, as to the exemption of precarious and clerical incomes, he regretted, for the sake of a small object, that the hon. and learned Gentleman had involved the House in all the difficulties from which he thought they had escaped in the reconstruction of the income tax, and in the hopeless task of investigating the taxing different trades and property derived from different sources. The hon. and learned Gentleman proposed to exempt clerical incomes; but did he consider incomes arising from small ecclesiastical benefices as precarious incomes? Why should these incomes be exempted because they were clerical? He (the Chancellor of the Exchequer) was not prepared to accede to the exemption of clerical incomes as such. He believed that such an exemption would neither be wise nor desirable, nor would it be for the interest of the clergymen themselves to place them in such a position. If the House were to reconstruct the tax, would it not be mockery to leave out of the exemptions the smaller class of annuitants—widows, for example, with small annuities of 100*l.*? He could assure the hon. and learned Gentleman that where he might lay one invidious claim by his exemptions, he would raise half-a-dozen others. Did the hon. and learned Gentleman propose that the exemption of clergymen having incomes under 150*l.* should be absolute?

MR. I. BUTT had framed the clause on purpose so as not to make the exemption absolute. The 150*l.* would be the income from all sources. He had only continued the exemption of the old Act.

The CHANCELLOR OF THE EXCHE-

QUER: The intentions of the hon. and learned Gentleman became more equivocal in the next portion of his Amendment. He proposed an exemption in respect of property chargeable under Schedule A, where the poor-rate was *5s.* in the pound and upwards. So that in the case of a parish where the poor-rates were extremely high, the hon. and learned Gentleman proposed to compensate them for their bad management by exemption from income tax. Then, coming to Ireland, the hon. and learned Gentleman proposed that an exemption should be granted to all clergymen where their income from all ecclesiastical sources did not amount to 250*l.* a year. That was, at all events, an absolute exemption. So that if a clergyman in Ireland had a benefice bringing him in 245*l.* a year, and a private fortune of 1,000*l.* or 2,000*l.* besides, he was to be exempted from the payment of all income tax in respect to the proceeds of his benefice. He objected to making these exemptions at all; but the hon. and learned Gentleman, though his objects were humane, had not succeeded in selecting objects which had the greatest claims on their humanity. With regard to the extension of the income-tax down to persons in the receipt of 100*l.* a year, it was the duty of the House to consider what was just to those who had an income of 150*l.* a year, as well as those who had 100*l.* For eleven years persons in the receipt of 150*l.* a year had been paying a serious and considerable tax, partly to relieve themselves, but much more to relieve the men of 100*l.* a year from taxes upon articles of general consumption. He knew no more dangerous and democratic principle than that taxes should be laid on persons in easy circumstances only. The House must look to the relative ability of men to bear taxation. The class of persons in the receipt of incomes between 100*l.* and 150*l.* a year were cognisant of the intention of the House to levy a duty of *5d.* in the pound upon their incomes, and he believed he might say that the proposal of the Government had met generally with their acquiescence, partly because they believed it to be equitable, and partly because they looked to the great remissions and relief which they enjoyed in return. He believed that those persons, and others in the receipt of small incomes from trades and professions, saw that without raising hopeless questions, the Government were going to give them effective and permanent relief by increasing the charge on the property of the country. A succession tax would impose a charge upon real property, which would in a few years produce 2,000,000*l.* a year, more secure and permanent than the income tax. These were the general reasons why it was impossible for the Government to accede to the proposition of the hon. and learned Gentleman.

Mr. SPOONER supported the Amendment. He urged the hardness of imposing the tax for the first time upon artisans, clerks, and small shopkeepers, with incomes between 100*l.* and 150*l.* a year—a class which, in his opinion, called rather for the sympathy and protection of the House. This provision of the Bill would be certain to render the tax unpopular, as it certainly would render it oppressive.

Mr. I. BUTT said, that before the Committee divided, he wished to set himself right on one or two points with the right hon. Gentleman the Chancellor of the Exchequer, who had misapprehended the meaning of his Amendment. The Amendment he had just moved was in no way whatever connected with the other Amendments of which he had given notice; it was entirely owing to a misprint that they came to appear in the paper as one Amendment. The right hon. Gentleman had charged him with asking him to reconstruct the tax by making a distinction and graduation between incomes of different amount. The fact was that it was the right hon. Gentleman himself who had done that, because he proposed that incomes below 150*l.* should be taxed at *5d.* in the pound, while incomes above 150*l.*, were to be assessed at *7d.* He (Mr. Butt) wished the exemptions to remain as they were.

The Marquess of GRANBY said, that the object of the hon. Gentleman and himself were, he believed, identical. They were both in favour of indirect as opposed to direct taxation, and both of them were anxious as soon as possible to get rid of the income tax. But he owned that, in his opinion, the best method of doing so was to make all classes feel its inequalities, pressure, and injustice. On this ground he should feel himself bound to vote against the Amendment. Before he sat down he wished to explain the vote he gave on the Motion of the hon. Baronet the Member for Herefordshire (Sir E. B. Lytton). He voted in favour of that Motion, although differing from its object, solely because he was opposed to the Budget of the Chancellor of the Exchequer, just as the hon.

Member for Montrose had voted against the Motion, although agreeing with it, because he was in favour of the Budget.

MR. KIRK made an appeal to the Committee in favour of the clergymen of all persuasions, who he thought ought not to bear this tax when their incomes did not exceed 150*l.*

Question put, "That the words 'limited and restricted under this Act' stand part of the Clause."

The Committee *divided:*—Ayes 205; Noes 49: Majority 156.

MR. BARROW was understood to be enforcing on the Government the necessity of introducing a provision into the clause allowing farmers to make deductions from their profits of any interest which they might have had to pay for money borrowed. He thought that the principle of assessing farmers on the rent, rather than by profits, subjected them in this respect to much injustice; and he could not see why, at all events, where money had been raised by them, that they should not be placed in as advantageous a position as landlords under similar circumstances.

The CHANCELLOR OF THE EXCHEQUER begged to be excused if he did not apprehend very readily the suggestions of the hon. Member. As far as he understood the proposition, the hon. Member stated that a landlord who was charged with income tax on 120*l.* a year on rents accruing, would obtain a return of the tax on proving that he was liable to the payment of 25*l.* a year for money borrowed, and he asked why the tenant should not have the same privilege? His answer was that the tenant had the same privilege, by means of appeal, when he might show what he really had and what he owed; but if it was desired that the tenant should have an allowances for his debts, irrespective of the amount of his income, that he confessed seemed to him a very unfair principle.

Amendment *withdrawn.*

MR. W. MICHELL then proposed—

> "To leave out from the word "than," the word "as," in line 11, in order to insert "five hundred pounds a year for the year of the assessment of his profits or gains, shall be entitled to be relieved from all the said duties assessed upon or paid by him on the first hundred pounds, and from so much of the said duties on four hundred pounds a year assessed upon and paid by him."

The right hon. Gentleman the Chancellor of the Exchequer proposed to remit duties from such trashy articles as camphor and rose-water, while he imposed taxation upon the poor miserable clerk, who slaved for 100*l.* a year.

The CHANCELLOR OF THE EXCHEQUER opposed the Motion.

Motion made, and Question proposed, "That the Chairman report progress."

The Committee *divided:*—Ayes 31; Noes 130: Majority 99.

The House resumed. Committee report progress.

The House adjourned at half after One o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, May 30, 1853.

MINUTES. PUBLIC BILL.—2ª Sales of Bullion.

RUSSIA AND THE PORTE.

The EARL of HARDWICKE: My Lords, I regret extremely that I do not see my noble Friend the Secretary of State for Foreign Affairs in his place, as I had taken the liberty of writing to him a private note, stating it was my intention to put a question to Her Majesty's Government, through him, this evening; but seeing my noble Friend the Prime Minister in his place, and knowing well how conversant he must be with everything which relates to the foreign affairs of this country, I do not scruple to put my question now. In consequence of the great importance of the subject to which it refers, and the very pressing and momentous state in which the affairs of the Turkish Empire and Russian diplomacy now stands, I took the liberty the other evening of expressing what I believe to be the anxiety of the public, and what I know to be my own, as to the state and condition of the negotiations as then pending. Upon that occasion I ventured to express my regret that the course which had been usual in cases bearing upon diplomatic questions in reference to the Turkish Empire, had not been followed by the Government of this country—meaning thereby, that I regretted that at the time when this important question was raised, when it really seemed to involve the existence of the Ottoman Empire, and when we were in communication with Russia, we did not give a moral support to the feelings of the Turkish people in the manner in which we had then recently and upon other former occasions done. The question which I meant to put to my noble Friend had he been present, and which I now put to my noble Friend the Prime Minister, is simply, whether instructions have been sent to Admiral Dundas, at Malta, to hasten his departure to the Dardanelles or Constantinople? I am induced to follow this course from the circumstance of the public being now informed that, on the evening of the 22nd of this month, Prince Menschikoff took his departure from Constantinople, not having succeeded in the object which he seemed to have had in view. That appears to me to bring the state of things to a very critical juncture. Believing, as I do, that the feelings of all parties in Turkey have been raised to a pitch bordering on that degree of excitement which tends to hostile operations, and that nothing has been done in the way of military preparation of any sort by any nation but France, I am led to think that the question is so critical, and the speed at which operations may now be conducted on the part of the Emperor of Russia as against the Ottoman Porte so great, that I believe it is necessary the public should be informed, not only of the opinions of our Government, but likewise of their acts and intended proceedings. I will now state why I presume to put this question, and upon what grounds; for I believe, as I said before, that it is only necessary to look at and reflect on the manner in which information may now be transmitted from point to point, and movements made, to see in what position precisely the various affairs of the different nations likely to bring about anything approaching to a collision are now placed. If it be true, as reported, that Prince Menschikoff left Constantinople on the 22nd of the present month, it is not at all improbable that on the evening of the same day, seeing his mission was entirely at an end, he would despatch a courier to his Emperor, informing him of what had taken place; and if that was so, it is probable that on this very day the courier would arrive at St. Petersburg. Assuming that everything would be done with great rapidity, and that the Emperor would despatch a courier to Sebastopol with directions for any military movements he might think fit, I think the Imperial messenger should arrive at his destination about the 6th of June. Supposing, then, that military movements are actually intended by the Emperor, and that he has a fleet and an army ready at Sebastopol, which is about three hundred miles from Constantinople, and giving the ordinary time allowed for the passage of ships between those two places, it is probable that his forces could be transported to the capital of the Turkish Empire in three days by steam power and fair winds; but I give them double that time, and assuming the troops would have to be embarked, and various contingencies causing delay, I will say that the Russian vessels could not arrive at the Bosphorus before the 12th of June. Supposing, on the other hand, that Admiral Dundas was still at Malta on Saturday last, and that Her Majesty's Government, seeing the difficulty which was likely to take place, immediately despatched information and orders to the Admiral, it appears to me that he might receive those directions on Wednesday next by telegraph. No doubt the Admiral is perfectly ready to sail, and that not a moment will be lost. He has six sail of the line and seven or eight powerful steamers, and doubtless he would proceed with all haste to Constantinople, a distance from Malta of about 800 nautical miles. I take it that the best steamers run from Constantinople to Malta in four and a half days, and I take it that the Admiral could do the same, if he had the fairest possible winds and the most favourable circumstances, either for towing or sailing; but I will give Admiral Dundas double that time, and reckon that he should be at the mouth of the Dardanelles on the 10th of June, while, as I said, the Russian forces might arrive at Constantinople on the 12th. Now, it is unquestionably true that every one of these suppositions and calculations are based on probabilities, not likely, perhaps, to be realised on either side; but I still think I have shown a case which warrants me in putting the question to Her Majesty's Government, whether they have given any directions to Admiral Dundas to leave Malta, and, if so, at what period we may expect him to take his departure?

The EARL of CLARENDON [*who had now entered the House*] said, he had to apologise to the noble Earl for not having been present in time to hear his speech, having been unavoidably prevented from attending in his place in Parliament at an earlier moment. His noble Friend, as he was able to gather from what he had heard of the noble Earl's remarks, wished to know whether any orders had been sent to

Admiral Dundas to proceed with his fleet from Malta to the Dardanelles. Now, in noticing that question, he (the Earl of Clarendon) had to observe, that on Friday night the House had appeared to concur in the propriety of Her Majesty's Government not giving any explanation upon a matter with respect to which they were but imperfectly informed; and he was sure they would still more readily concur in the propriety of their declining altogether to state what directions they had given to the Admiral in command of the Mediterranean fleet.

CONVERSION OF STOCK—FUNDS IN CHANCERY.

LORD ST. LEONARDS wished to know from the Lord Chancellor what the operation of the recent Act for the Conversion of Stock was likely to be upon the interests of the suitors in Chancery?

The LORD CHANCELLOR said, he was glad that his noble and learned Friend had given him an opportunity of explaining this matter. By the Act of Parliament the Accountant General might signify his assent to take any one of the three species of stock, or, not signifying any such assent, he would have the money paid on the 5th of January as to some sort of stock, and on the 5th of April as to the other. The Act received the Royal assent upon the 9th of the present month; and the time for signifying assent was to be the 3rd of June. This might appear to be a short interval, but it became perfectly obvious that the Act would have received the Royal assent some days before it did, and he therefore turned his attention to the consideration of what he had better do with reference to those suitors who had funds in that species of stock in the Court of Chancery. The sum involved was a large one, amounting to between 400,000*l.* and 500,000*l.* His own impression was that it was not the business of the Chancellor to be entering into any speculations on the subject, but rather to be passive, and receive the money when it became payable. He had thought it right, however, to consult with the other Judges of the Court, and several of them were of opinion that he ought to assent at once to take the lowest denomination of stock, because it was the principle of the Court to invest in the lowest description of stock. As, however, their opinions were pretty equally divided, he had thought it best to see what had been done in similar cases of the conversion of higher stock into lower stock; and he had found, that in all those cases, whether the new stock was to be taken by assenting, or only if no dissent was signified, in every one of such cases his predecessors, from Lord Eldon downwards, had always elected to take the new stock. He had thought it, therefore, best to make an order directing the Accountant General to take the 2½ per cent stock, unless any one came forward to state that it would be more to his interest to take either of the other rates. He had yielded rather to precedent, and the opinions of the other Judges, than to conviction; but he had reserved three days for parties to apply for any alteration in their particular cases, and he had signified that no application should be made later than the 31st of this month, meaning to reserve from that time until the 3rd of June, to alter the course of the Accountant General in cases where it might not be thought beneficial. The Accountant General had his instructions not to signify his assent until he heard further from him. He should see what the state of the market was, and should endeavour to do the best he could in the matter; and if he thought it would be at all imprudent, he should desire the Accountant General not to signify any assent at all.

LORD ST. LEONARDS was understood to say that he should revert to the subject again on another day.

IMPORTATION OF SLAVES INTO CUBA.

The EARL of CARLISLE rose to present a petition from ladies, inhabitants of Kingston and its vicinity, in the island of Jamaica, and to put a question to Her Majesty's Secretary of State for Foreign Affairs respecting the observance of the treaties relating to the slave trade by the Government of Spain. He said: Your Lordships are aware that it is not much my disposition to obtrude myself unnecessarily upon your Lordships where I feel that I have no especial duty to perform; nevertheless, I felt myself called upon even before the recess to give a formal notice of my intention to present the petition which I now hold in my hand, both because it is upon a subject with reference to which it seems to me that any appearance of indifference would be almost criminal, and also because I should have much liked to know whether my noble Friend at the head of the Foreign Office of this country, or any Member of

Her Majesty's Government, could have communicated any fresh information upon the point to which it mainly refers, and which constitutes its prayer. This last object has, indeed, in some degree, been met by the conversation which took place upon the first evening when your Lordships reassembled after the recess, upon the occasion of a petition being presented by my noble and learned Friend now on the woolsack (Lord Brougham), and in whose wake, not for the first time in my life, I shall be proud to follow on the subject of the slave trade. He will not forget that I had the honour of sharing his triumphal return for the county of York—an occurrence which I shall always regard as the turning-point in that great emancipation struggle which has been brought to a victorious issue in this country. Events which have occurred since that conversation give me a fresh inducement to offer a few observations in addition to the statements which were then made. I should first of all state that the petition which I hold in my hand is very numerously signed, and comes from "the undersigned ladies, inhabitants of Kingston and the vicinity, in the island of Jamaica;" and I certainly feel, my Lords, that slavery is a question upon which women have every motive, as they have shown that they have good qualifications, to bear their part. Those ladies state, that it is under a deep conviction of the enormities of slavery and the slave trade, as they exist in various parts of the world, but more especially in the adjacent island of Cuba, that they express their confidence in your Lordships' desire to enforce the fulfilment of those treaties with the Government of Spain, by which it was provided that that inhuman traffic should be finally extinguished. They say that "nothing but a deep sense of the amount of the injury sustained would have induced them to come forth from the privacy of domestic life to endeavour, by every legitimate means, to rescue these unhappy persons from the wretchedness of their condition." They also state that they "deem it their duty to add their testimony to the many representations already made by the clergy, ministers of the Gospel, and other inhabitants of Jamaica, in reference to the present depressed condition of all the interests in the island;" and "while they would not pretend to enter into the various causes to which it may be attributed, they cannot resist the conviction that the evils of which they complain have greatly increased since the alteration of the imperial policy respecting the British colonies, and the encouragement it gives to the cultivation of slave-grown productions." I, my Lords, of course, cannot deny my own complicity in the adoption of that policy; and, at this time of day, I still feel great doubt whether, in the course I took in this matter, I was right or wrong. This I know, that in the whole course of my Parliamentary experience I never acquiesced in any measure with so much doubt or hesitation, and there is none with regard to which at this day I should be so glad to be quit of all responsibility. However, my Lords, after several successive Administrations, consisting, like the last, of persons wholly opposed, or, like the present Administration, of many who were also opposed to those original measures—after the results of that policy have been repeatedly under their consideration, and they find themselves unable to move in the matter, I certainly cannot entertain any expectation that there is any probability, or I will say possibility, of such policy being now reversed. The petitioners go on to state that "they therefore implore your Lordships to adopt such measures as in your wisdom may appear effective with the Spanish Government, in order to put an end for ever to the iniquitous operations still going on with the connivance of the Spanish authorities in Cuba, to the detriment of their own Government, and in violation of the solemn convention into which that Government entered with Great Britain for the extinction of the slave trade." My Lords, I think it cannot be said that the ladies of Jamaica, in expressing these complaints, have not great reason for doing so. It would be superfluous in me to remind your Lordships, even apart from the conversation which took place the other night, of the engagements under which Spain is now bound with this country in reference to the suppression of the slave trade. If your Lordships needed to be reminded of it, I could not refer you to any better quarter than to the despatch of the noble Earl the present Prime Minister, dated the 31st of December, 1843, in which the whole question is most fully, clearly, and forcibly set forth. It appears that by a treaty which dates so far back as 1817, which came into operation in 1820, and which was further confirmed and enlarged by subsequent treaties—in one of which the noble Lord now at the head of the Foreign Office took a distinguished part—Spain solemnly stipulated to suppress the slave trade upon the part of Spanish subjects; and in consideration of that treaty and that undertaking Spain received from this country the sum of 400,000*l.* Now, my Lords, I fear there is no reason to doubt that ever since the passing of that treaty its provisions have been systematically, wilfully, and all but continuously violated. I fear that in the long series of captains general, or governors of Cuba, very few indeed can be named who have not received bribes or hush money, to use the plain terms, for every single slave landed upon the island of Cuba, through their guilty connivance. I believe, indeed, that Generals Valdes, Concha, and Tacon, might be quoted as honourable exceptions to a course so unworthy and so deserving the most serious animadversion; and, considering the universality of the practice which had obtained, and the amount of temptation held out to them, these three officers do deserve to be mentioned with honour; but you can judge how dreadful that state of things must be when honour, in our opinion, does attach to persons merely because they have refused to enter into partnership with those whom I must look upon as the worst "manufacturers" of their species, and because they have not derived unlawful gains from fostering a traffic which, in my conscience, I believe has been the cause of more wrong and suffering than any other curse which ever blighted our globe, and which, in my mind, is sufficient in itself, even if revelation and reason had been altogether silent around us, to prove the necessity of a future state of retribution in which redress may be afforded for wrongs perpetrated with so much impunity in this life. But, my Lords, I am bound to say that when I mention the long series of captains general who have so grossly violated the engagements of their country with ours, it is still more painful to me to state that I fear suspicion does not stop with them, but that it ascends to persons who occupy much higher positions. Of course I do not pretend to address any inquiries to my noble Friend opposite respecting the justice of such suspicions; and I admit that no one ought lightly to infer the "deep damnation" which must be the consequence of their truth. But true is it, my Lords, that no sooner does any Captain General of Cuba show a disposition to respect the faith of treaties, and the laws alike of humanity and honour, than very speedily, for some reason or other, he is sure to be removed in order to give place to some less scrupulous and more accommodating functionary in his stead. True it is, too, my Lords, I hear that under the present Captain General, Don Canedo, the slave trade is being carried on with unexampled vigour and audacity on the coasts of that unhappy island of Cuba, which, I can depose to by my own experience, our God has fitted to be a paradise, but which ever since the white man first set his foot there he has converted, I can use no softer phrase, into a hell. I do not propose to dwell now, except for one moment, upon the case of the *Emancipados*—a class of men consisting of those who were taken into the island since the treaty, and who were fully entitled to freedom under the stipulations of that treaty in their regard, but who, with a few exceptions, have been retained in slavery from that hour to the present, that slavery being the field labour of Cuba. I am aware that an announcement has lately been made that the Government of Spain would undertake to set immediately at liberty those who were entitled to their freedom in 1828, and, as to those who up to 1835 had been under contracts of service, that they should be set at liberty at the expiration of their respective periods of service. But, my Lords, I feel that that concession, miserably short as it falls of what we had a right to expect and to exact, must be considered wholly illusory, as your Lordships will, I am sure, admit, when you remember that the calculation is, that the slave population of Cuba employed in field labour dies off in every recurring period of ten years. [A Noble LORD: Seven years.] Seven years! But even if it were ten years, you may judge how few of those who were entitled to their freedom in 1828 and 1835 respectively will now be found able to avail themselves of this "timely" boon. But if we direct our attention to the new and ever recurring importation of fresh negroes, what is the state of the facts of which we hear at present? I am informed that between the months of November and February last 5,000 slaves were landed in Cuba—that is, were known to be landed—and I fear that a great many landings take place in retired parts of the island of which we never hear. Then, since I gave my original notice, there has been a landing of 1,100 negroes, who were kidnapped from a part of the Portuguese dominions in

Africa, which has already been the subject of conversation in the House, and to which I need not further allude, except as to one point. I believe upon that occasion my noble Friend opposite (the Earl of Clarendon) stated that, through the exertions of our Consul in Cuba, to whose zeal and activity he paid a very just tribute, 300 of those slaves had been rescued from bondage. Now, I do not pause to inquire how satisfied we ought to feel at 300 being rescued, and 800 being left in hopeless servitude, because our experience of the proceedings of the Spanish Government has taught us to be thankful for small mercies. But, my Lords, can we be sure even that those 300 are effectually rescued—that they have been effectually restored to that liberty to which they are entitled? I should be glad to learn from my noble Friend that they are. I see, however, that such is not the opinion entertained by the persons who wrote the account of the transaction which appeared in the American journals. After giving an account of the landing of the slaves, of the exertions of our Consul, and of the inquiry consequently instituted, the account goes on to say:—

> "The Government inquiry, as was to be anticipated, ended in additional fraud and corruption. Neither the captain nor any of the crew have been arrested. The investigation was confined to the partners, and the defendants agreed to compromise their crime by delivering 300 of the negroes to the Government. The result has only made the insular Government a larger participator in the profits of the iniquity. Some few of the negroes were released, and the rest allowed to pass into the mass of hopeless negro servitude."

I understand, from the account which I perused of what transpired the other evening, that my noble Friend himself stated that by the laws of Cuba—such laws as are observed there—it is impossible to follow the slaves into the interior when they have once passed into the possession of any proprietor, and are there enrolled among the rest of the gangs. I find it is part of the law of 1845, passed in Spain professedly with the view of putting down the slave trade, that it is in fact an express stipulation that in no case, and at no time, shall it be permitted to institute any proceedings against, nor molest in their possession, the proprietors of slaves, under pretext of their origin or precedency. A precious stipulation for relief that is, which effectually shuts the door to all inquiry after those poor wretches are consigned to the miseries of a tropical servitude! Then it is suspected that in the island of Cuba this system—I was inclined to call it a "dodge," were it a proper word to apply where so much suffering forms the topic—is frequently resorted to. On those plantations on which *Emancipados* are employed upon contracts of servitude, when one of the original slaves whom it would be lawful to keep in servitude dies, the name of an *Emancipado* is returned to the Government in his stead, and the *Emancipado* is transferred into the name and place of the slave who died, so as effectually to put a stop to all further inquiry. Now, when we are told that these things take place—and I fear where there are slave-traders and slaveowners, and, I must add, where the Spanish Government are concerned—you must take for granted that all that may be done or can be done, will be done. I would very earnestly recommend it to the attention of Her Majesty's Government whether they could not give directions—I cannot take upon myself to say whether, under the existing law, they have not the power; but if they have not the power, whether they could not, by negotiations with Spain, acquire the power—to send the captured slavers, not into the slave courts, or before the mixed commission of the Havanah, where, even if a condemnation takes place—and I do not believe that so much complaint exists upon that ground, or that the mixed commission court, on the whole, does not perform its duty—but even if it does do its duty, it turns out out to be much the same thing for the slave as if no capture or condemnation had taken place at all—but into some free court for adjudication. I wish to know whether, instead of sending the captured slavers into a slave port for adjudication, they cannot be sent to some free port, before some untrammelled mixed commission, where justice is sure to be done? I have mentioned the 5,000 slaves who were imported into Cuba between November and February, and the 1,100 who were the subject of conversation here the other evening. Since then I have read in an American paper that 600 more slaves have been landed in Cuba in the open day, near Matanzas—the same slaves, I imagine, whom my noble Friend incidentally mentioned the other night. Amid all these disgraceful and revolting proceedings it is most satisfactory and refreshing to find how efficiently our gallant naval service is discharging its duty in these seas. The noble Lord mentioned the other evening that in the course of this year six slavers have been taken on the coast of Cuba. Three of these slavers were taken in one day by Captain Hamilton, of Her Majesty's war steamer *Vestal;* and I have had the good fortune to read an account of the transaction, written by an eye-witness, which presents some of the most striking illustrations I have ever perused of British heroism on its most congenial element, and which I cannot refrain from describing to your Lordships. There was in port with the *Vestal* a steam-schooner, the *Venus*—so named, I suppose, from its being the model of piratical beauty in naval architecture—a schooner noted as the fastest vessel in those seas. It was reported to Captain Hamilton that the *Venus*, taking advantage of the *Vestal's* undergoing painting and repairing, intended to slip out of harbour, and be off on a slaving expedition. Captain Hamilton did not mention the information thus received to any one, but kept himself prepared for the contingency. That same night a tornado, accompanied with heavy thunder, springing up, the *Venus* seized the opportunity, and at daybreak it was reported to Captain Hamilton that she was off. The captain immediately sprang out of bed, and in less than three minutes the *Vestal* was under press of canvas, on her way out of the harbour in pursuit. There were 11 ships of war in the harbour at the time, and among them were some vessels belonging to the American navy; and the American crews, like good brethren, saluted the *Vestal* on her way with three cheers. As soon as the *Vestal* got outside the harbour, several vessels were discerned in the distance, mere white specks on the horizon. and at first it was not known which of these was the chase; but the *Venus* was presently identified by the peculiar whiteness of her sails, and pursuit was eagerly directed after her. The *Vestal* gained upon her; but in the course of the night another tornado came on, and the *Venus* was once more lost sight of. Thereupon came the question, which way should the *Vestal* direct her course? After some consultation it was conjectured that the *Venus* would steer for the Bahama Shoals—a locality of dangerous navigation for vessels of a larger description than herself. At sunrise it was found that this conjecture was accurate, for the *Venus* was seen in the shoals. The *Vestal* proceeded after her until, the lead giving as the soundings only a quarter less four, it was impracticable for the *Vestal* to get nearer to the chase, and the sea was roaring with breakers. Under these circumstances Captain Hamilton thought he would try the effect of a long gun enormously charged. The shot told upon the slaveship, and she came to. Captain Hamilton at this moment discovered two slave schooners further on among the shoals. He could not follow them in the *Vestal*, but, proceeding without hesitation on board the *Venus*, he put his revolver to the captain's head, and compelled him to steer after the two schooners, which were speedily captured. They were found laden with arms, slaving implements, &c., and there were on board one of them documents which implicated a number of persons besides those taken upon the occasion, and which authorised Captain Hamilton, on his return to the harbour, in taking possession of a large brig there, *La Arragonese.* As the *Vestal* came into harbour, towing her three prizes, she was received with loud cheers by the shipping in port, and one of the American captains made this speech in honour of her exploit:—"Well, it made my heart run over to see the old country come out so proud, and the ship pass through the Spanish fleet so silent and calm with her prizes." But, what I want your Lordships to consider is this: If these things are done in the harbour of Havannah, in the capital of the island, under the guns of the Mole, and before the very windows of the Captain General, what may not be going on along the wild and unfrequented coast of the island—an island as large as England? In bringing these statements under the consideration of your Lordships, I have no intention of casting the slightest reproach on Her Majesty's Government for the course they have pursued in reference to this question. I know the arduous and indefatigable exertions that were made by Lord Palmerston, when he was at the head of the Foreign Department, on every subject connected with the suppression of the slave trade; I have no reason to believe those efforts were slackened under the late Administration, and I am sure I have no suspicion to express that there will be any slackening on the part of my noble Friend opposite (the Earl of Clarendon). Indeed, I am not without hope that his intimate acquaintance with, his profound knowledge of, the Spanish people, their habits and character, may give him some facilities and advantages in the matter, which were not enjoyed by any of his predecessors. My noble Friend will, I am sure, not deny that gross derelictions of their duty have been frequently manifested on the part of the Spanish Government. Why, talk of causes of war with Spain, sure I am that this country has been over and over again embroiled in long and ruinous war on grounds which, in my judgment, were absolutely paltry in comparison with this. Let me not be understood as expressing an opinion that this country is called upon to go to war with Spain, even for the suppression of the slave trade. I know the apathy and indifference which prevail among a large proportion of the inhabitants of this country on all such external topics, and that many of those who feel most zealously and ardently on the subject would be the foremost to discourage our having recourse to a violent physical mode of interference. But Spain ought to be told that if she does not observe her treaties—if she, almost alone of all the nations of the earth, persists in this infernal traffic—she must, if her possession of Cuba is ever endangered, be at least prepared to find this country neutral in the conflict. I do not either desire to throw the sole blame upon the Spaniards, for I am not sure that the United States, considering the liberties they possess, considering their freedom of origin, have not, by their abominable Fugitive Slave Law, committed an even greater outrage upon liberty. I will not, however, detain your Lordships by dwelling upon that point. I wish to ask my noble Friend if he has any additional facts or information to give us relative to the question of the slave trade in Cuba? I wish further to say, that I should be very glad if the Government would take into their consideration the practicability of carrying captured slavers into some free port for adjudication. Above all, this they can do, and I hope they will be disposed to do it—I trust they will maintain, nay, more, increase the efficiency of that naval force, which has done, and is doing, such admirable service on the coast of Cuba. I have now only to present the petition I hold in my hand, and to apologise for having trespassed upon your Lordships at such length.

The EARL of CLARENDON: My Lords, I should be wanting both to my noble Friend and to my own opinion, did I not, in the first place, express my admiration of the eloquent speech which he has just delivered, and bear my testimony to the perfect correctness of all the melancholy and appalling facts which he has brought under the consideration of the House. I only wish it were in my power to give my noble Friend a much fuller answer than I was able to give the other night to my noble and learned Friend now sitting on the woolsack (Lord Brougham). I have nothing further to communicate; but I must repeat the same regret I then expressed, that the treaties to which my noble Friends alluded have been constantly, scandalously violated. What has been said with regard to the past Captains General of Cuba, I cannot deny to be the melancholy fact. I was glad to hear my noble Friend mention with honour the honourable exceptions to that conduct in the instances of Generals Valdez and Concha. I have not much additional information to give to your Lordships beyond that which I gave you the other night, but that little is not altogether of an unsatisfactory character. I will first refer to the suggestion of taking captured slavers into free ports for adjudication. The fact is, that Her Majesty's cruisers have no option in the matter. By the treaty it is provided that there shall be two mixed courts of commission, one in the colonial possessions of Spain, the other on the coast of Africa; and the naval officers who capture Spanish slavers, are therefore bound by their instructions to take their captures either into the port of Havannah or into Sierra Leone, whichever is the nearest to the locality of the capture. Of the vessels which my noble Friend has described as having been taken by Captain Hamilton, two out of the three were condemned in the Court at Havannah. With reference to the present Captain General, Canedo, it cannot, I am sure, be expected that I should pass any very warm eulogium upon that functionary. It is right, however, that your Lordships should have placed before you everything that officer may have to urge in justification of the course he has taken. Anticipating that allusion might be made to this functionary, I have brought down with me two despatches, which I may be permitted to quote, considering the great importance of the subject, and the desire of the country to have all possible information on it. The first document I will cite, is an extract from a letter which the late Foreign Minister of Spain addressed to Lord Howden, in which that Minister says—

> "I think it expedient to state that the Captain General tells me he is making every possible effort to check the slave trade, and that in consequence of those efforts the slave traders are becoming very disheartened."

Had these words not been followed by action in corroboration of them, I should not have thought it worth while to occupy your Lordships' time with repeating them; but I have just received another despatch from Lord Howden, containing a letter from the new Foreign Minister of Spain, which conveys the actual intentions, as announced by the Government of that country, on this subject, and I am inclined to think it deserving of your Lordships' attention. It is dated the 7th of May, and the Minister says—

> "In consequence of the peremptory instructions lately transmitted to the Captain General of Cuba to spare no exertions in putting down the slave trade, we have received a communication from that functionary assuring us that he was putting into execution the most energetic means for the purpose of fulfilling his instructions; and he added, that, finding the observance of the strict letter of the law impede this object, he had not hesitated to adopt extreme measures, and that, suspending the penal law of 1805, which forbids the pursuit of newly-imported slaves after they have once passed on to their purchaser's estate, he has resolved to pursue such slaves wherever he can find them, and to release them from their holders."

The Minister added, that he trusted this course of proceeding would be taken as a proof of the desire of Spain to fulfil the engagements she had made. My noble Friend may, perhaps, consider this communication as merely a promise of something that may or may not be done. I have, however, this afternoon received a further letter from Lord Howden—whose zeal in this matter has never been surpassed by any Minister of this Crown in Spain —in which he states that a communication had been received from the Captain General of Cuba, in which he informs his Government, acting upon the announcement he had made, having received information that some negroes having been landed on the island from some slave ships that had escaped the vigilance of our cruisers, and been conveyed to the estate of their purchaser, he had followed them thither, and released them, to the number of 100. I, therefore, think—however we may be disposed to withhold for the present an implicit confidence in this reformation—we may, at all events, concede that the Captain General appears disposed to act more honestly towards this country—more consistently with the honour of his own. I have only further to advert to that portion of my noble Friend's speech which had relation to the *emancipados*. On this subject I have the satisfaction to state, that I have received a despatch from Lord Howden, in which he informs me that the Spanish Government has agreed to settle the question which has been so long matter of discussion, and that the *emancipados* will be placed at liberty before the expiration of the present year, on the terms which have been severally agreed upon with regard to them—the Government even, in some respects, conceding something beyond that point. The *emancipados* who were entitled to their liberty under the treaty of 1835, will be set at liberty at that time; and with respect to those who do not come under that class, they will obtain their liberty at the expiration of their term of servitude, or before that time, if possible. My noble Friend has expressed the wish that the Government of Spain may become more alive to the honour of their country and its true interests in this matter, than they have hitherto, in his opinion, shown themselves. I have the satisfaction to inform my noble Friend that I have received a despatch from Lord Howden that bears upon that point, and is of considerable importance; it tells me that there is a growing desire on the part of Spain to listen to the just expostulations of England, or, I may express it, to consult more its own honour; and that as a proof of this, the Foreign Office has received from the Royal Council a recommendation to furnish the Captain General of Cuba with the larger powers requisite to enable him effectually to deal with the evil—the first time, I believe, that any such recommendation has issued from that Council. I trust that the information I have now given, small as it is in amount, will not be considered altogether of so unsatisfactory or hopeless a character as that which I supplied to your Lordships the other night. I will only repeat, in conclusion, what I said on the former occasion, that it is mainly to our own exertions we must look for the effectual suppression of this abominable traffic. I have lately been in communication on the subject with my right hon. Friend at the head of the Admiralty, and instructions have been, and will continue to be, given by him to the officers on the station to insure that nothing which can aid this great object shall be omitted.

The BISHOP of OXFORD said, he rose to return his thanks to his noble Friend on the cross benches (the Earl of Carlisle) for calling the attention of their Lordships and the country to this subject. Nothing struck him more in his noble Friend's eloquent speech than the graceful way in which he expressed his regret for his complicity in a political movement which must be regarded as a fatal step in this country in respect to these unfortunate slaves. He could acquit himself of any share in that Bill. He felt then that the question of free trade ought no more to have been permitted to enter into the question of the admission of slave-produced sugar, than it should have in a question of the purchase of the property of pirates, or of sharing the produce of robberies; and the more he considered the question the more did it appear to him that we were bound, as a nation, to use all lawful means in our power to undo the evil which had been incidentally done. He rejoiced, therefore, to hear that the Government were prepared to adopt a more manly tone towards the Government of Spain on this question. He could not agree with the noble Earl who had introduced this subject, that the people of this country were so apathetic upon foreign subjects, that they would not hold a Government justifiable in taking any very strong measure upon this subject. For his part, he believed that, great as might be the general apathy of the people upon all foreign and distant matters, this had always been a subject excepted from that apathy, and always would continue to be so. He believed that if the people of this country knew how they had been mocked as a nation on this subject—how treaties solemnly made had been feloniously evaded, they would, as one man, maintain any Government in any reasonable, right, and justifiable measures which they might propose for the enforcement of those treaties. He believed it was our duty to take every possible means to deliver ourselves from any complicity in this greatest of all national sins. So intermingled now-a-days were commercial and financial matters throughout the whole world, that he believed it would be capable of demonstration that that slave trade which our cruisers were endeavouring to put down upon the coast of Cuba, was, at least indirectly, if not directly, maintained by British capital; and, therefore, he thought that it became the duty of a nation which supplied capital for every lucrative speculation to take all possible means for compelling the enforcement of treaties so religiously and solemnly entered into.

Lord BROUGHAM said, that having on a recent occasion brought charges against the Government of Cuba, he thought it right to express his gratification at hearing from his noble Friend (the Earl of Clarendon) the account he had just received of the good intentions of the Captain General of Cuba. He must, however, be permitted to wait some little time before he could be at all disposed to withdraw his charge against his Cuban Excellency; for, as they all knew, there was a place which was proverbially paved, not more with good intentions than with broken promises. However, he would wait to see whether these good intentions were followed up by performance. As to the charges against the other Captain General, two exceptions had been made; but he was still disposed to limit the exceptions to one of those generals, and that one, General Valdes. With respect to Concha, that he differed from O'Donnell and the others in one material particular, might be admitted —Concha was free from the foul stain of having profited by receiving any share whatever in that detestable traffic. It was notorious that the slave trade was carried on in Cuba—so much so, that a case mentioned that evening had occurred in open day. His noble Friend had mentioned the Americans with just praise, as having shown a proper feeling not only towards this country, but also on the subject of the slave trade, on witnessing the slaves brought into the Havannah as prizes by a British ship of war. He trusted that feeling was not confined to these individuals; he hoped that it was prevalent in the United States. But if it was so, then must be wholly groundless those accounts which we had heard of the bulk of the slave traders employed by other nations having been fitted out in the ports of the United States with American capital, manned by American seamen, and commanded by American captains. He hoped that there was no foundation for those statements; but he knew that they were rife and general throughout the country at large.

Lord WHARNCLIFFE thought both their Lordships and the country were indebted to his noble Friend for having brought forward this subject, and thus elicited the information which had been communicated. It was no small step to have obtained a promise that the liberated slaves should be followed to the estates on which they were settled; but he thought the noble Earl the Secretary for Foreign Affairs underrated the importance of the information he had received; for no small step had been gained by the promises obtained from Spain by this Government, to which the noble Earl had referred. The existence of the slave trade at Cuba depended entirely on the conduct of the authorities, as was evident from the fact, when slaves could no longer be landed at Porto Rico, they were taken to Cuba under false papers. After hearing such information as he had done that evening, he thought there was a chance of improvement even in Cuba. Of all the infamies practised in Cuba, none exceeded the treatment to which the *Emancipados* were subjected; and he feared that if the island fell into the hands of the United States, neither their position nor that of the actual slaves would be at all ameliorated.

Petition ordered to lie on the table.

MALDON ELECTION.

The EARL of ABERDEEN moved that the House should agree to the Address to the Crown sent up from the House of Commons, for the appointment of a Commission to inquire into alleged corrupt practices at the borough of Maldon during the last and previous elections. He understood that a noble and learned Lord opposite (Lord St. Leonards) intended to oppose this proposition, but he was unable to conjecture on what ground. These, however, would shortly be explained. In the meantime he could only say, it appeared to him a case in which there could be no difficulty whatever in their Lordships giving their concurrence in the Address. In the Clitheroe case the House had declined to agree to an Address, but that was because the Act of Parliament had not been complied with —an objection which did not hold as regarded Maldon. In the present instance they had the report of the Committee, which stated that corrupt practices had extensively prevailed at the election of Members to serve for this borough, and they had embodied in that report all the proofs which that Committee obtained, and sufficient to support the description given of the practice prevalent in this borough. He believed that the general character of the evidence, and the fact that the reputation of Maldon was one of the worst in England for corruption on former occasions, fully justified his proposition.

Moved—To fill up the blank in the Address of the Commons to Her Majesty with ("Lords Spiritual and Temporal.")

LORD ST. LEONARDS thought the mode in which the noble Earl had dealt with this question very unsatisfactory, the ground of objection to his Motion being the insufficiency of the evidence to support the finding of the Committee of the House of Commons. It was upon that evidence that they should go, not upon mere general charges, or even a decision by the Committee of the House of Commons.

LORD BROUGHAM had read a part of the evidence, but did not feel himself bound to answer the questions, yea or nay, which the House of Commons Committee had dealt with in their Resolutions. His ground for voting for the Motion was, that he found that the Committee of the House of Commons had inquired, and had come to a unanimous decision. ["No, no!"] He said, "Ay, ay!" for though upon particular cases of bribery the Committee were not unanimous, yet they resolved unanimously that there was reason to believe that corrupt practices had extensively prevailed at elections for Members to serve in Parliament for the borough of Maldon. Their Lordships, on reading the evidence, would see that there had been a good deal of bribery; and though he was not going to say that, had any of them been on the Committee, they would have been sure to find that corruption extensively prevailed, he must, on the other hand, remind them that, as it was, they saw only the minutes of the evidence, and had not the inestimable benefit of assisting at the actual examination. They had not seen the questions put, nor observed the demeanour of the witnesses; they had not had before them that vast variety of circumstances which, as his noble and learned Friends could testify, made the difference between evidence reported and evidence heard. It was just these things—the tones of the voice, the appearance of the witnesses, and their demeanour under examination—that gave rise in numbers of cases to the final impression on the mind of the Judge, an impression wholly different from what it would have been if he had only seen the questions put down, with the answers returned to them. He therefore felt himself, not merely entitled, but bound to assume, that the opinion which the Committee had come to they had come to on sufficient grounds. And whilst on this subject he would fain have made a remark or two on the conduct of the Committees with a view to preventing bribery and corruption; but for the present he purposely abstained from going into that. He might say at once though, that it was impossible that a long time could elapse before their attention was called to this most important question, and then he should have the opportunity of asking whether they thought that the best mode of preventing bribery, corruption, or other abuses at elections was by punishing certain individuals (the Members returned) for that which had been done, without their knowledge, by other individuals (the agents). He wished to get at those "other individuals;" and he hoped the Session would not pass over without such an amendment of the criminal law as would make it dangerous for those "other individuals" to repeat the practices they had hitherto been engaged in.

LORD ST. LEONARDS said, that though his noble and learned Friend had determined, in consequence of the Report of the Committee of the House of Commons, to vote in favour of the present Motion, yet he (Lord St. Leonards), acting judicially in the matter, had felt himself bound to consider the evidence; and he had carefully studied it, both before and since the noble Earl's statement that he intended to bring this Motion on, and both times had arrived at the conclusion that there was nothing on the face of that evidence to support the conclusions at which the Committee had arrived. His noble Friend had said he was satisfied with the finding of the Committee; but it certainly was not the intention of the Act that their Lordships should form their opinion on that ground. The Act of Parliament was framed for the express purpose of calling on their Lordships to form their own opinion on the matter according to the weight of evidence. This was, in effect, a judicial inquiry, and their Lordships were not at liberty to agree to the Motion, unless they were of opinion that the evidence produced showed that there was reason to believe that corrupt practices had extensively prevailed, and at the particular election, as he believed, which had led to the inquiry. The noble Earl at the head of the Government said that this borough had an evil name, and that its corrupt practices were perfectly well known; but he (Lord St. Leonards) was of opinion that they were not at liberty to act on such a statement, which ought not indeed to be made, for they were bound to act only upon evidence given on oath. Their Lordships, therefore, instead of taking for granted statements that Maldon was a corrupt borough, should make themselves masters of the evidence, and decide from it whether they were justified in agreeing to this address. With respect to the Report of the Committee of the House of Commons, he did not conceive that it was worded according to the provisions of the Act of Parliament. The Committee divided upon two questions: first, whether there was bribery by agents; and, secondly, whether particular persons were bribed; and on both points the Report was carried by three to two. Then came the general Resolution, which in his opinion was not worded according to the provisions of the Act. The Resolution was—"That the Committee had reason to believe that corrupt practices had extensively prevailed at elections of Members to serve in Parliament for the borough of Maldon"—not that at the last and other elections, but at elections corrupt practices prevailed. He apprehended that, according to the right construction of the Act of Parliament, the Committee must find that corrupt practices prevailed at that particular election into which they had been appointed to inquire. This Committee did no such thing. Their report read "at elections," and that might mean two, three, or four elections before the one which was referred to their consideration. [Lord CAMPBELL: Read the words of the Act of Parliament.] Did the noble and learned Lord mean to say he could not state the effect of an Act of Parliament without reading it? [*Laughter. The noble and learned Lord then left the House apparently in anger at the interruption.*]

The LORD CHANCELLOR said, he thought it extremely important that their Lordships should distinctly understand what was the principle which ought to regulate them in concurring or not concurring in addresses to the Crown for commissions of inquiry. He entirely differed from his noble and learned Friend (Lord St. Leonards), if he meant to say that they ought not to concur unless they saw, in reading the evidence, that the Committee must have inevitably arrived at the conclusion which they had reported to the House of Commons. On the contrary, he thought they ought to concur, unless they saw the evidence was directly contrary to the conclusion at which the Committee had arrived. In this instance no one could read the evidence without being perfectly convinced that it had been the practice at Maldon, at each succeeding election, to pay the expenses incurred at the preceding one. That might not have appeared by distinct evidence on the printed minutes; but, nevertheless, the whole evidence, coupled with the demeanour of the witnesses, might reasonably have satisfied the Committee that such was the fact. In this instance, however, three or four different persons had sworn that they had so received payments of their bills; and without knowing the names of the witnesses, to which his noble and learned Friend (Lord Brougham) had alluded, there was sufficient to satisfy the Committee that such was the universal practice in the borough. Under these circumstances, he thought their Lordships would not hesitate to concur in the Address.

The EARL of DERBY said, with great deference to his noble and learned Friend (the Lord Chancellor) he must differ from him as to the duty which devolved on the House, when considering whether they would or would not concur in these addresses. Before the Act of last Session authorising the issue of these commissions passed, it was necessary that in each particular case, where it was intended to apply for the issue of a commission, with a view to ulterior proceedings affecting a borough, and not to individual Members between whom the contest for the seat might have been carried on, that an Act should formally pass through Parliament. That Act constituted an extraordinary judicial tribunal, and vested it with extraordinary powers—powers of investigation beyond the ordinary judicial proceedings of the law, and possessing in every respect exceptional jurisdiction. Such was the state of the law previous to the Act of last Session, and their Lordships would recollect the precision and accuracy with which they examined each case, to ascertain whether there were sufficient grounds for passing the Act with regard to that particular borough. Their Lordships must recollect also that on several occasions when the House of Commons, having heard evidence before a Committee, sent up a Bill for the disfranchisement of a borough, their Lordships not only examined the evidence taken before the Committee of the House of Commons, but admitted the parties to appear themselves and plead at the bar the reasons why the Act should not be carried into effect. In the notorious case of St. Albans—the first in which there was the new proceeding of a commission of inquiry—before their Lordships would consent to the Act to issue that commission of inquiry, and according to ordinary practice, they requested to have laid before them the evidence taken before the Committee of the House of Commons. Considerable time was then given for the consideration of that evidence, and upon the consideration of the evidence it was his duty, in the position he then held, to state the case and the evidence, and to ask their Lordships' assent to the passing the Bill constituting the commission of inquiry. In that case, on a subsequent occasion, application was made by the parties themselves to be heard against the Bill for the disfranchisement of the borough. In order to issue a commission to inquire, it was necessary to have a previous Act of Parliament, and before passing that Act their Lordships required to be satisfied that there were sufficient grounds to authorise the passing of the Act. To simplify the proceedings, a general Act was passed in the course of last Session, on the principle of the General Enclosure Act, to prevent the necessity of a separate Act for each inclosure. The Act ordered that the commission should be issued in the event of both Houses concurring in a joint address; and consequently their Lordships were placed with regard to the address to the Crown precisely on the same footing as previously, in giving their assent to the adoption of each Act. If, therefore, previous to assenting to the adoption of an Act for the issue of a commission with extraordinary extra-judicial powers, they felt bound to examine and sift the evidence taken before the Committee of the House of Commons, he submitted, with great respect, that the noble and learned Lord on the woolsack was mistaken in his doctrine, when he contended it was not necessary to surround the parties with the same protection in the issue of a commission upon an address as they before thought necessary when a special Act was required. He thought, too, the noble and learned Lord could not sustain his argument—that the onus fell upon this House of proving that the House of Commons had come to a wrong conclusion, and that without such proof the address ought to issue. He considered their Lordships were no more competent or justified in issuing an address, than they were of passing an Act, unless they were satisfied the House of Commons had come to a reasonable and fair conclusion, and that the evidence gave sufficient grounds for the adoption of ulterior proceedings. And now (continued the noble Earl), having stated generally the argument as it occurs to me on this subject, I must deprecate the manner in which it has been brought to an untimely close, and caused my noble and learned Friend (Lord St. Leonards) to abandon the case, and leave the House; for, my Lords, I do think that, whether you look to my noble and learned Friend's great judicial abilities, his great skill, and the deference which ought to be paid to his high position and his age, or whether you look to the circumstances of the case, and the interests involved, this is not an occasion for that levity and offensive and sneering laughter which I regretted to see the noble Earl (the Earl of Aberdeen) permitted on the part of some of his subordinates. I think my noble and learned Friend has acted in the manner due to his own character and position, in refusing to continue to discuss the question under circumstances such as those to which, for the first and I hope for the last time, he has found himself exposed; and I am sure your Lordships cannot blame him for the course which he has chosen in declining to remain where he meets with so much disrespect.

The EARL of ABERDEEN, with considerable warmth: What does the noble Earl mean? Does the noble Earl say that I permitted "my subordinates" to sneer or laugh? Who does he mean by "my subordinates?" And what does he mean by saying that I gave them permission to laugh or sneer? I can only say for myself, that I have the most unfeigned respect for the noble and learned Lord, and that I neither sneered nor entertained the slightest feeling or anything but the greatest respect towards him, and that I listened attentively to his observations. The noble Earl charges me with "permitting" my "subordinates" to do so and so; but I know none in this House who are not perfectly free either to laugh or cry, as they please.

LORD CAMPBELL regretted the course which the debate had taken. If there was blame anywhere, he took the blame to himself, for having originated what had ended in a manner that was much to be deplored. His noble and learned Friend (Lord St. Leonards), for whose learning and character he had the most sincere respect, in reasoning upon the question before them, said that the Report did not comply with the terms of the Act of Parliament, because it did not say that those practices had prevailed at the last election. He (Lord Campbell) asked him to refer to the words of the Act of Parliament, that it might be seen that it did not require reference to the last election; for the Act only said, that if there was reason to believe that corrupt practices were extensively carried on in any county or borough, or division of a county or borough "at any election or elections of such Member or Members," &c. He therefore, without meaning the least disrespect, asked him, as was done day by day in courts of justice, to read the Act of Parliament. Something subsequently happened behind which he certainly regretted, but for which he did not take blame to himself, or to any of his noble Friends, and he fully believed that his noble Friends who sat near him, did not mean the slightest disrespect to the noble and learned Lord who had just left the House. With reference to the question before the House, it was, no doubt, their Lordships' duty to see that there was evidence to justify the Committee in the conclusion at which they had arrived. The noble Earl (the Earl of Derby) had confounded the disfranchisement of a borough with proceedings that were merely intended to institute inquiry. This was a proposal, not to disfranchise the borough of Maldon, but to make inquiry—to put the prisoners upon their trial—and to that proposal he was prepared to give his support.

On Question, *agreed to.*

Then the said Address was *agreed to;* and a Message sent to the Commons to acquaint them that the Lords had agreed to the Address and had filled up the blank.

PROTEST.

The following is the Protest of Lord St. Leonards against the Resolution of the House of Lords upon the Maldon Election.

"DISSENTIENT,—

1. Because this House ought, before it agrees to join with the other House of Parliament in an Address to Her Majesty praying an inquiry to be made under the Act 15 & 16 of the Queen, to be satisfied that a *primâ facie* case is made out by evidence to authorise the Crown to appoint a Commission to try the allegations against the borough or place complained of. The two Houses have to inquire whether corrupt practices have, or there is reason to believe they have, extensively prevailed; and in this House no attempt was made to show from the evidence that such practices had, or that there was reason to believe that they had, extensively prevailed; and the Resolutions as to bribery were carried in the Committee of the House of Commons by divisions of only three to two.

"2. Because the Resolution upon which the Address is founded, and upon which there was no division in the Committee, manifestly because of the majority on each of the previous divisions, is not such as to authorise an Address by the two Houses under the Act of Parliament. The Resolution is, 'that there is reason to believe that corrupt practices have extensively prevailed at elections of Members to serve in Parliament for the borough of Maldon.' But the Act of Parliament does not seem to warrant any such Resolution as a foundation for an Address. The enactment is, no doubt, general that a Commission may issue upon a joint Address representing to Her Majesty that a Committee appointed to try an Election Petition, or a Committee appointed to inquire into the existence of corrupt practices in any election or elections, have reported that corrupt practices have, or that there is reason to believe that corrupt practices have, extensively prevailed in any county, &c., at any election or elections of a Member or Members to serve in Parliament; and these words seem to point at any election or elections, but they were rendered necessary in consequence of the power to address the Crown upon the Report of a Committee to try an Election Petition, or of a Committee to inquire into the existence of corrupt practices in any election or elections. The Act did not intend that a Committee to try an Election Petition should, although they could not report that corrupt practices had extensively prevailed at the election referred to them, have liberty to make a Report as a foundation for an Address, under the Act, that corrupt practices had prevailed at some given former elections, much less that they should report that there was reason to believe that such practices had extensively prevailed at elections of Members for the place in question. Such a Report would be satisfied if such practices had prevailed at elections twenty years ago, although they had not prevailed at the last, or at several immediately previous elections. The intention of the Act is shown by the sixth Section, which authorises the Commissioners to inquire into the manner in which the election in relation to which such Committee may have reported to the House, or, where the Report of the Committee has referred to two or more elections, the latest of such elections, has been conducted, and whether any corrupt practices have been committed at such election. If the Commissioners find corrupt practices at the election into which they are authorised to inquire, then they may carry back their inquiry, step by step, until they come to a pure election, when they are to stop, and not to carry further back their inquiries. Taking all the clauses of the Act together, they admit of a rational construction, but that construction renders the Resolution of the Committee in this case an insufficient foundation for an Address.

"3. Because the Address should be founded upon the Report of the Committee, supported by the evidence, and not upon any rumours or extrinsic facts, and in this case the mover of the Address in this House relied upon the fact that the borough of Maldon was notoriously corrupt, but of which notoriety there was no evidence.

"4. Because the Resolution of the Committee of the House of Commons was wholly unsupported by evidence of corrupt practices at previous elections. It appeared that large bills were left unpaid at the previous elections in 1847, but they were publicans' bills for refreshments; and, therefore, they fell under the head of treating, and, moreover, the Members had refused to pay them. The Act of 15 & 16 *Vict.*, as it came up to this House from the House of Commons, included treating in the sixth Section; but, as treating stood on a different ground from bribery, that part was struck out in this House, and the other House acquiesced in the Amendment. The Committee failed in their attempt to obtain evidence of previous corrupt practices. They asked William Lord, a bricklayer's labourer, 'They generally are pretty well paid at Maldon, are they not?'—Answer: 'I never got nothing.' 'Had you ever a vote before this time?'—Answer: 'Yes.' 'You had never got anything before?'—Answer: 'No.' Mr. Oxley Parker, a warm partisan at elections for Maldon, upon being asked why he would not have acted in a particular manner, answered, 'Because I should have considered that I should be implicated in an act of bribery, and in all my transactions at Maldon I have never been asked for money for a vote, and I have never given it.' 'Do you apply that answer to this election?'—'To all elections.' 'That you say upon your oath?'—'On my oath I do, most distinctly.'

"5. Because the only bribes proved were the four mentioned in the Report; and even as to the proof of them the Committee were divided in opinion. But beyond these trifling cases there was no evidence of bribery—no fund provided, no voter applying for money, no person appointed to bribe, no general payment of expenses, and the two Members, in the plainest terms, swore that no bribery existed to their knowledge, and they had furnished no funds for the purpose; in short, from the outset, that they had determined to conduct the election upon the purest principles. The Committee resolved unanimously that it was proved to the satisfaction of the Committee that the acts of bribery were committed without the cognisance or privity of the sitting Members.

"6. The four acts of bribery relied upon were payments under the colour of payment of expenses —one of 5*l*. to W. Hearn, one of 2*l*. to W. Forster, and two of 1*l*. each to W. Lord and John Hills. W. Hearn, who gave his evidence in a way which drew down upon him the severe animadversions of the Committee, went from London to Maldon to vote. He claimed 5*l*. 11*s*. 7*d*. for banners and painting at the election of 1847, and, because Mr. Dick's people would not pay him that demand, he voted for the sitting Members. He alleged that he had been put to much expense in having another to perform his work in town; and after the election he asked 2*l*. 10*s*. for his expenses, and he was paid 2*l*. The evidence clearly proves that this was all that was paid to him, and that it was paid for his expenses. Three weeks afterwards he wrote a begging letter to Mr. Oxley Parker, but not naming any sum. That gentleman sent him 3*l*., which he swore was a donation from himself, and that he never intended it to be repaid to him; and this is proved by an account of a few pounds which he subsequently made out and received, and which included the 2*l*. paid to Hearn for his expenses, but in which no mention is made of the 3*l*. It is perfectly clear from the evidence that this is the true view of the case; and, therefore, the Report was not warranted, as far as it stated that Hearn was bribed with 5*l*. Forster also went from London to Maldon to vote, and required his expenses to be paid before he voted; he demanded 2*l*. 5*s*., and obtained 2*l*. He attempted to make out a promise by Mr. Miller to provide him with a situation, in which he was contradicted and wholly failed. The only remaining cases are Lord's and Hill's. They were relations, and resided some twenty-five or thirty miles from Maldon, and they were taken over to Maldon by Mr. Oxley Parker's bailiff. They claimed and obtained 1*l.* each, which was paid a few months after the election for their expenses. It would be difficult to make out that any of these payments were really bribes, although they might be liberal allowances for expenses, and excessive payments under that colour may well be deemed bribery. In all the four cases the voters might lawfully be paid their expenses. There was no proof of any other payments for expenses, or in the nature of bribes, and these four cases cannot, I think, be deemed sufficient to put the borough of Maldon upon its trial. "St. Leonards."

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, May 30, 1853.

Minutes.] Public Bill.—2° Bail in Error.

RUSSIA AND THE PORTE.

Mr. DISRAELI: Sir, I wish to put a question to Her Majesty's Ministers as to the present state of affairs in Turkey. The House will, I hope, permit me, not that I wish to contravene for a moment the regulations that apply to the asking of questions in this House, to preface the question I am about to put by a brief statement, in which I shall offer no opinion, but which it is necessary that I should make in order that the House may fully understand its bearing; and as the question mainly depends upon dates, I may be permitted respectfully to beg the attention of hon. Members to the statement I feel it my duty to submit. The House is aware that, since on Friday last I addressed a question to Her Majesty's Government on the subject of our relations with the Porte, the Russian Ambassador Extraordinary at the Porte, Prince Menschikoff—the *ultimatum* he had tendered to the Turkish Government having been refused—has quitted Constantinople. Now, it appears that Prince Menschikoff quitted Constantinople on the 22nd inst.—it would require, to communicate between St. Petersburgh and Constantinople, seven days; the news would, therefore, reach St. Petersburgh on the 29th of this month. Assuming for a moment that the Emperor of Russia might wish to act instantly and with decision upon Constantinople, we must remember that there is a considerable fleet, and a not inconsiderable military force, at Sebastopol. It would take seven days to communicate between St. Petersburgh and Sebastopol, so that the order would arrive there on the 5th of June; and, supposing that two days were necessary for the fleet to put to sea, and four days for the passage between Sebastopol and the entrance of the Straits, that would bring the dates down to the 11th of June—so that the earliest period at which it would be possible for the Russian fleet and force to be at the entrance of the Straits would be the 11th of June. Assuming, moreover, that there was no very considerable opposition to their entering the Straits from the Black Sea, the Russian fleet might anchor opposite the Seraglio on the 11th, and twenty-four hours afterwards would be in possession of the entrance of the Dardanelles, and so prevent any fleet entering from that side of the Straits. Having stated these dates to the House, which are absolutely necessary, as the House will perceive, to the proper understanding of the question, I beg to premise, also, that if on Saturday last Her Majesty's Ministers had thought proper to give directions to our Admiral at Malta to proceed with the British fleet to the Dardanelles, he could, *viâ* Marseilles, and by the aid of a small steamer which was waiting at Marseilles for that special purpose, receive instructions on the 2nd of June. It would take seven days for Admiral Dundas to proceed with the British fleet from Malta to the Dardanelles, and he would arrive there on the 9th, exactly two days before the Russian armament could make its appearance. Now, the question I wish to put to Her Majesty's Government is this, whether, taking the contingency to which I have referred into consideration, Her Majesty's Government have issued instructions to the British Admiral at Malta to proceed with the British fleet to the waters of the Dardanelles?

Lord JOHN RUSSELL: Sir, in the present state of the relations between Russia and Turkey, I feel that, as anything said here must be considered of the utmost importance, I must decline answering the question which the right hon. Gentleman has just put. I can but leave him to give notice of any Motion which he may think proper to make on the subject, and I shall be ready, at any moment, to defend the course we are now taking.

INCOME TAX BILL.

Order for Committee read.

House in Committee.

Clause 26.

On the Motion that the Clause as amended stand part of the Bill,

Mr. BARROW rose to move a proviso of which he had given notice:—

"Provided always, that in estimating the income of persons charged under Schedule B, such persons shall be entitled to deduct from the estimate of such income any source of annual interest paid for money borrowed, whereby the income shall or may be diminished."

The CHANCELLOR OF THE EXCHEQUER said, that since Friday night he had made an inquiry on the subject of the hon. Gentleman's Amendment, which he thought must have been proposed in error, for he found that persons assessed under Schedule B were entitled to deductions for interest on money borrowed in the same manner as traders under Schedule D.

Mr. BARROW said, he was happy to hear that that was the opinion of the right hon. Gentleman, as he had proposed his Amendment in consequence of the refusal of an inspector of taxes to allow such deduction. Still, as the provisions of the Bill were very difficult to understand, and his Amendment could do no harm, and only make the matter clear, he trusted the right hon. Gentleman would agree to it.

The CHANCELLOR OF THE EXCHEQUER said, he must object to the insertion of the words if he was to understand that there was to be a subsequent inquiry whether the Amendment was necessary or not. He had stated what was the proper interpretation of the clause, and the inspector of taxes referred to by the hon. Gentleman was in error, and if the hon. Gentleman would supply him with the particulars of the case to which he had referred, it should be set right; but he could not introduce an Amendment into a Bill passing through Parliament merely to correct the error of a subordinate officer of the Government.

Mr. BARROW said, he thought that the mode in which taxes were to be imposed should be properly defined in Acts of Parliament, and not be left to the instructions of the Government. He would ask the right hon. Gentleman to point out the clause in the former Acts which affected the object in question.

The CHANCELLOR OF THE EXCHEQUER said, there was no particular clause applicable to Schedule B, but there was a general clause which allowed deductions for interest on money borrowed. He might as well take this opportunity of saying that it was his intention to bring in a clause which, with relation to Ireland, would more accurately define the mode in which these deductions were to be allowed under the Act.

Sir FITZROY KELLY said, he wished to know under what clause such power of making such deductions was given? There was no difficulty under Schedule D, because persons were assessed at the incomes which they possessed, but farmers were assesssed according to the rent they paid, and it would only be by an appeal that they could obtain the benefit of such deductions as these.

Mr. BRIGHT said, this case was not peculiar to the farmers; for manufacturers sometimes borrowed money to carry on their business, for which they paid interest, and no one pretended that they were to be allowed deductions in the income tax. If such cases were exempted, it would be impossible practically to make the Bill work.

The CHANCELLOR OF THE EXCHEQUER said, he had already stated that there was nothing peculiar in the case now under discussion; and it was not a profitable discussion, as he had said that he would bring in a clause to put the matter beyond doubt.

Colonel DUNNE said, he wished the right hon. Gentleman, as the clause related to Ireland, to state its nature.

The CHANCELLOR OF THE EXCHEQUER: The clause did not relate solely to Ireland, but was a general one, which pointed out the mode in which interest on money borrowed would be deducted from income tax.

Amendment *withdrawn.*

Clause *agreed to;* as were also Clauses 27 and 28.

Clause 29.

Mr. LUCAS said, he wished to obtain some information from the right hon. Gentleman the Chancellor of the Exchequer relative to the deductions allowed in respect of the incomes of ecclesiastical persons. Protestant clergymen of the Established Church were assessed under Schedule A, but were allowed a deduction for parochial rates, taxes, and assessments, &c.; but he did not understand that an analogous deduction was allowed in the case of the Roman Catholic priest, who was assessed under Schedule D, although a Roman Catholic priest had many disbursements which he was obliged to make of considerable amount, such, for instance, as a payment to his bishop, and he was also just as liable to parochial rates and taxes as the Protestant clergy.

The CHANCELLOR OF THE EXCHEQUER said, he thought the hon. Gentleman had mixed up matters that were essentially distinct in themselves from one another. No favour or preference whatever was given to clergyman of the Established Church over Roman Catholic clergymen as such. The clergyman of the Established Church was assessed under Schedule A solely because his income was derived from tithe or tithe-commutation rent-charge, and the deductions allowed to him were entirely allowed upon general grounds, and in no way in respect of his connexion with the Established Church. The Roman Catholic priest was assessed in precisely the same way as the Presbyterian minister or the Dissenting minister, and in the same way also as the clergyman of the Established Church, who was connected with a church possessing no endowment. No doubt the Roman Catholic clergyman and the Dissenting minister were liable to pay poor-rates; but their case in that respect was totally different from the beneficed clergyman, who had to pay poor-rates, not only upon his house, but upon the entire fund from which he derived his maintenance. He wished, however, to say that the deductions allowed to beneficed clergymen in respect of income tax must be considered upon their own grounds of equity, without regard to any other considerations. The distress which had occurred of late years in Ireland had no doubt been severely felt by the Roman Catholic clergy, as well as by other classes of the community; but he believed that his proposal to remit the consolidated annuities would indirectly benefit the Roman Catholic clergy of that country, and he hoped it might do so, for the labourer was worthy of his hire.

Mr. LUCAS said, he claimed no peculiar exemption for the Roman Catholic clergy; but, perhaps, if he called attention to the subject on the bringing up of the Report, the right hon. Gentleman would be willing to insert general words, allowing similar deductions for disbursements under Schedule D as were allowed under Schedule A.

Mr. G. A. HAMILTON hoped that the right hon. Gentleman would be willing to give a favourable consideration to the moderate claim which the hon. Member for Meath (Mr. Lucas) had put forward. He thought it was worthy of consideration whether some words might not be introduced to authorise deductions from the sums to be paid by the Roman Catholic clergy on the ground of certain expenses necessarily incurred in their form of worship.

The Chancellor of the Exchequer

Clause *agreed to;* as was also—

Clause 30.

Clause 31 (Tenants of Lands who are called upon to pay arrears due from former occupiers may deduct the amount from their rent).

Mr. SPOONER said, he begged to propose to add a proviso to this clause. As the law at present stood, there was a doubt whether a tenant who paid (as the law compelled him to do) a preceding tenant's arrears of a landlord's tax, could recover the amount so paid from the landlord, the landlord perhaps having received no rent from the first tenant, who might have absconded. He did not see why the landlord should be called on to pay when he might not have received rent for either house or farm, or on what principle the tenant was made responsible for the default of his predecessor. The taxgatherer ought to look after the taxes due to Government as sharply as the landlord looked after his rent. The object of this 31st clause was to clear up that doubt, and to enable the tenant to recover the rate from his landlord; but he (Mr. Spooner) submitted that neither the landlord who had received no rent, nor the tenant, ought to be made to pay the rate which was due from an absconding previous tenant, and it was with the view of carrying out that principle that he proposed this proviso.

Amendment proposed—

"At the end of the Clause to add the following Proviso—'Provided nevertheless, that nothing in this Act shall be construed to compel any occupier, being a tenant for the time being, to pay the arrears of Income Tax due by any former tenant or occupier of the same lands, tenements, or hereditaments, or to deduct and retain from his landlord out of any subsequent payment of rent such arrears, unless the landlord shall have received his rent for the period for which the arrear is due.'"

The CHANCELLOR OF THE EXCHEQUER said, that, in replying to the observations of the hon. Gentleman, he would for the sake of clearness separate the case of houses from the case of lands; and, secondly, the tax leviable in respect of property from that leviable in respect of occupation. He did not deal with the case of houses, beause the principle of the law, as now administered, is this—that where rent had not been received, unless there were evidence that it had been in the power of the landlord to recover his rent, the payment of income tax in respect of that rent would not be levied. [Mr. SPOONER: It is constantly done.] No doubt, in the extreme complexity of administering the law many things had taken place which would be set right if the parties went direct to head quarters, or to the Commissioners of Inland Revenue; but the maxim was as he stated it. Setting aside the case of houses, then, the great question was as regarded land. Under the present law, an occupier having recently come into possession of a farm upon which there were arrears of income tax, both under Schedule A and Schedule B, was held liable for the arrears of both descriptions of tax. The hon. Gentleman's proviso did not touch any question of liability in respect of occupiers, and there were words in the clause distinctly discharging the occupier from any liability. Therefore the question between the hon. Gentleman and himself was entirely in reference to arrears of the landlord's tax. The hon. Gentleman said it was very hard that the landlord should be held responsible, as he was now, in regard to a tax upon rent which he had never received. He had stated that, in the case of houses, the directions given by the Treasury, or the Board of Inland Revenue, would be, that where there were no means of securing the rent through the absconding of the tenant, the tax should not be levied. But looking at the principle, he had no hesitation in saying that the landlord ought to be held liable for arrears of tax, because for the recovery of his rent the law armed him with peculiar powers and securities which it did not confer on the common creditor. Being armed with these powers, if he chose to settle accounts with the tenant, and permit him to quit the farm without first discharging what he owed, he must be held responsible for the payment of the tax, because it was a charge upon the land which must be defrayed before he could grant a tenant the use of the property. The clause provided that the arrears of tax should be recoverable from the incoming tenant, who was to deduct the amount from the payment to his landlord.

MR. SPOONER said, it was frequently the case, that notwithstanding all his vigilance, the landlord lost his rent. Suppose a man left his farm just a day or two before his rent became due, what could the landlord do? The proviso could do no harm where the landlord did not suffer the tenant to run away, and in other cases would only do justice. He must divide the Committee on it.

COLONEL DUNNE said, that if the operation of the clause was unjust in England, it would be four times as much so in Ireland, where the practice of letting a portion of the rent, called "the hanging gale," stand over, was general. They were applying the provisions of a Bill intended for England, to a country to which it was utterly unsuited. The Irish landlord was placed by this clause in a far worse position, considering the state of Ireland, and the way in which rent was received, than landlords in Scotland or England.

The CHANCELLOR OF THE EXCHEQUER said, that if the Irish landlord was really worse off than the landlords in England and Scotland, the hon. and gallant Member must remember the Irish proprietor had a good start of his brother, for he was not subject to the same charges. Let them take "repairs," for example, which were not a very heavy tax in Ireland. The proviso would alter the whole law of recovery; and when the hon. Member for North Warwickshire (Mr. Spooner) said the taxgatherer was bound to look after his taxes as closely as the landlord after his rent, he seemed to forget the expense of such a system. If they were to continue to raise the tax at a moderate charge, they must be satisfied with a moderate amount of labour in return. Suppose a tenant disappeared, and succeeded in spiriting away his stock from the farm without the landlord's knowing anything of the matter? The hon. Gentleman proposed that the Government should lose the tax. Now, the landlord might recover his rent at a subsequent period from the tenant as a debt; but how were the Government to recover the amount of the tax in that case?

MR. FRESHFIELD said, the clause as it stood would entail upon landlords great hardship. They might be charged with rent they never received, when tenants had left the land without a straw upon it distrainable; for the growing crops and the straw might be sold and removed. The whole policy of the old Act was to compel the landlord only to pay the tax on rent received; for it was always provided that the tenant should "deduct" it out of the next rent—that is, the next rent paid. But now the landlord would be liable for rent not paid.

MR. FITZSTEPHEN FRENCH said, with reference to the peculiar advantages which the right hon. Gentleman the Chancellor of the Exchequer said were possessed by the Irish landlords over those of England, he was prepared to show, from figures in his possession, that on account of the item of arrears the land of Ireland would contribute 11*d.* in the pound on this tax. All he called upon the right hon. Gentleman to do was to give them identity of legislation in Ireland.

MR. LUCAS said, he wished to take this opportunity of inquiring what course the right hon. Gentleman proposed to take with reference to the three clauses postponed the other night, which bore upon the liability of the occupier to pay the landlord's share of the income tax?

The CHANCELLOR OF THE EXCHEQUER said, the Government had remodelled those clauses to a considerable degree, and they proposed to retain the power of resorting to the occupier with reference to the case of houses, and dwelling-houses especially, apart from agricultural holdings. They intended to frame these clauses in such a way that, speaking generally, for the purpose of levying a tax on land, the resort, in the first instance, would be to the immediate lessor.

Question put, "That the Proviso be there added."

The Committee *divided:*—Ayes 69; Noes 145: Majority 76.

Clause *agreed to.*

Clause 33 (Deduction to be allowed under Schedule A for the expenses of making and repairing sea walls and embankments).

LORD NAAS, with reference to what had fallen from the right hon. Chancellor of the Exchequer just before the division, said, he hoped the right hon. Gentleman would not call upon the House to decide to-night without further consideration upon the clauses to which reference had been made. From the remarks which had fallen from the right hon. Gentleman, an alteration appeared to be made in the whole principle of the Bill as regarded Ireland.

MR. H. HERBERT said, he begged to join in the request of his noble Friend. The clauses in question involved a most important principle, and it would be only right to give the Committee an opportunity of considering them.

The CHANCELLOR OF THE EXCHEQUER said, he did not wish to ask the Committee to give an opinion upon these clauses to-night. He had not the least objection, after stating what the clauses were, to print them, and propose their insertion in the Bill afterwards.

MR. FREWEN said, there were in several parts of the kingdom—for instance, between Sussex and Kent—lands in the immediate neighbourhood of the sea which were considerably below the level of the sea at high water. The only way in which the sea was prevented from overflowing was by means of large sluices, which were open when the tide was out, but shut at other times. Very heavy charges had to be paid for the drainage of these lands in this way; and he wished to ask whether the Chancellor of the Exchequer considered this clause would not give exemption on account of the money so paid?

The CHANCELLOR OF THE EXCHEQUER said, that he did not apprehend that any money spent upon the drainage of the land would come under the operation of this clause. If the clause had not been limited to the case of tidal rivers, the repairs done to the banks of every ditch or brook might have been brought under it, and there would have been no end to the questions that might thus have arisen.

MR. FREWEN said, that unless these banks on the coast were kept in repair, the land in many cases would be under the sea.

SIR JOHN TROLLOPE said, that these sea walls were not the only barriers that were set up to resist the encroachments of the sea. In fact, they formed but a small portion of the expense for the protection of the country. In the county with which he was connected, a sum of 30,000*l.* had been raised for the purposes of interior drainage in connexion with these embankments, and a quantity of steam engines had also been brought into play. If allowance was made for these sea walls, surely there should be a deduction for this further preservation of extensive tracts of land. Considering the works in progress on the coast of Norfolk and Lincolnshire for the purpose of redeeming the land, these operations ought to be regarded rather in the light of national works.

The CHANCELLOR OF THE EXCHEQUER said, that this clause referred to nothing but the cases of sea walls and embankments. If the charges for drainage to which the hon. Baronet had alluded, were levied by a public rate or assessment, that case was met by another clause, which expressly allowed a deduction to be made for any charge levied by public rate for draining or fencing.

MR. LUCAS said, that the clause as it stood at present only applied to landlords. He thought that a similar provision should be made with respect to cases where the expenditure in question was made by the tenant.

The CHANCELLOR OF THE EXCHEQUER said, he did not believe that the tenant ever made or repaired sea walls, or the embankments of tidal rivers.

MR. W. LOCKHART said, he was anxious to solicit the attention of the Committee to a grievance to which the proprietors of lands and houses in Scotland were exposed, and which would be much felt in Ireland, but from which English proprietors were, under all circumstances, entirely exempt. Hon. Members were aware that in England all rates were by law a charge on the occupier, and that when a landlord took upon himself the payment of them, he received a deduction of income tax in respect to them. In Scotland, on the contrary, county rates, and—with the exception of one-half of the poor-rate, and one-half of the schoolmaster's salary—all parochial assessments, were by law a charge on the landlord, including therein the maintenance and repairs of churches, manses, burying grounds, school houses, and schoolmasters' houses. He paid these burdens out of the rents, on every shilling of which he was charged income tax; and in respect of them he received no abatement. The relations between landlord and tenant were substantially the same in both countries, and there could be no reason why landlords on the north side of the Tweed should be charged with taxes from which those on the south side were exempted. The right hon. Gentleman the Chancellor of the Exchequer had received a memorial on this subject, signed by two-thirds of the Scotch Members, and it had only recently been his (Mr. Lockhart's) duty to submit to him a similar memorial, unanimously adopted by the commissioners of supply of the county which he had the honour to represent. He had also received remonstrances from various other quarters. He trusted, therefore, the right hon. Gentleman would give his assent to the Amendment of which he had given notice. He should be equally satisfied, however, if the Chancellor of the Exchequer would undertake to bring up a clause, placing the proprietors of Scotland and Ireland on an equality in this respect with those of England. If the right hon. Gentleman, however, would not give such an assurance, he must press his Amendment to a division.

Amendment proposed, at the end of the Clause to add the following words:—

"And in like manner an allowance and deduction shall be made for the amount of all parochial rates, taxes, or assessments charged on any lands, tenements, hereditaments, and heritages in Scotland, which by statute or custom are payable by the landlord or owner thereof."

The CHANCELLOR OF THE EXCHEQUER said, that the hon. Gentleman had directed attention to an inequality in the tax; but the question must be regarded, not with reference to that isolated point, but to the general bearing. The inequality in question was one of a multitude, which, to a great degree, balanced one another. If on the ground of this inequality Parliament allowed the public burdens to be deducted, the consequence would be that the landlords in England would say, or would, at all events, be justified in saying, that they also had great inequalities to complain of. Which did the hon. Gentleman think ought to be a first reduction—public burdens or repairs? He (the Chancellor of the Exchequer) thought that repairs had the first claim, and ought naturally to be allowed before public burdens. Did the hon. Member consider that English and Scotch landlords stood upon the same footing with respect to repairs, and that the average amount paid by Scotch landlords was as great as in England? [Mr. LOCKHART: Yes.] He thought not. His impression was, that the charge for repairs in Scotland, which fell upon the landlord, was much lighter than that which fell upon the English landlord. This was owing in part to the practice of granting leases in Scotland, which generally carried the performance of ordinary repairs by the tenant. [Mr. LOCKHART: No!] He had known something of Scotch leases, and he had never known a case where a lease was granted in which the tenant did not covenant to bear the ordinary repairs; and this was also the custom in England, where leases were introduced. This was only a part of the main question, whether the landlord was to pay upon his gross or net rental. That House decided the other night, by a large majority, in favour of the gross rental; but the Amendment now before the Committee involved the breaking up of the whole framework of the tax. If the Amendment were agreed to, there would not only be a counter claim on the part of the English landlords for a reduction upon repairs, but also a counter claim on the part of householders. While repairs upon agricultural property only amounted to 5 or 6 per cent, in house property the repairs averaged from 10 to 20 per cent. The repairs of houses in

England, too, were greater than in Scotland, because the houses in the latter country were better built, and constructed of more durable materials. Then, if these inequalities in Schedule A were rectified, professional men, mercantile men, and salaried officers, would put in their claims to be assessed at a different rate; and the whole fabric of the tax would be broken to pieces. He was quite sure that the attempt to remedy such inequalities in Schedule A would be attended with great injustice to landed proprietors, because claims for exemption and allowance would be made by other classes who might show a better case for deductions. For these reasons he could not give the smallest encouragement to the Amendment before the Committee.

Mr. BAILLIE said, it appeared that the right hon. Gentleman defended the injustice committed upon Scotch landlords in making them pay income tax upon public burdens, by the still greater injustice which was practised upon Scotch householders. The farm buildings in Scotland were more extensive and built at greater expense than those in England, but the repairs were not left to the tenant; the buildings were handed over to the tenant in such a state of repair that they usually lasted until the end of the lease without repair. The Scotch proprietor was, in his opinion, fairly entitled to the same exemptions as the English one, and ought to be placed precisely on the same footing. The right hon. Gentleman the Chancellor of the Exchequer, admitted the injustice which existed as far as the Scotch proprietors were concerned, and his only defence had been, that the matter complained of was not the most unjust part of the system.

Mr. SMOLLETT said, that by the existing landlord and tenant system in England, the landlord had some portion of his public burdens paid by the tenant; and the rules which were in force in England, ought, he conceived, to be applied to Scotland also. It was not equitable that in England allowance should be made for church rates, poor-rates, and county rates, and that it should not be made also in Scotland. He possessed no property south of the Tweed, and could not therefore say whether the cost of repairs fell more lightly upon the English than the Scotch proprietor; but he certainly did not think that the Scotch proprietors should be placed on a different footing from the English.

The Chancellor of the Exchequer

Sir GEORGE GOODMAN said, he should oppose the Amendment. If these claims for deductions were listened to, the efficiency of the measure would be entirely destroyed.

Colonel BLAIR said, he thought that complaints from Scotland were of such rare occurrence, that when one was brought before the House, it did not meet with the same consideration as complaints coming from other quarters usually did. The real question was not a question of repairs; all he asked was, that the Scotch landlord should enjoy the same deductions that the English landlord did. He hoped that the right hon. Gentleman would permit the whole case to come under consideration, and that he would allow the Amendment of the hon. Member for Lanarkshire (Mr. Lockhart), to be added to the clause. In his opinion, Scotland did not receive much aid from the Budget of the right hon. Gentleman; but he hoped that he would reconsider his opinion and accept the Amendment of his hon. Friend without pressing the Committee to a division.

Mr. DUNLOP said, that he thought the question of public rates stood in quite a different category from that with respect to repairs, and that, therefore, the Chancellor of the Exchequer might concede the deductions stated in the Amendment, without opening the large question to which he had referred. Although, however, he thought that, taken by itself, the Amendment of the hon. Member was founded on justice, he should not support it if it went to a division. He thought the English tenant was unduly burdened as compared with the Scotch tenant, and if that were so, he thought that on the other hand the Scotch landlords might very well bear a little injustice, as compared with those on the other side of the Tweed. Injustice, indeed, was perhaps not the word. He should rather say, they must put up with the rough justice that was incident to this income tax. As he stood by the Chancellor of the Exchequer, and had supported his propositions in instances where the interests of others were concerned, he should not now vote against him when his (Mr. Dunlop's) own interest as a landlord was involved.

Mr. W. LOCKHART said that, the hon. Member was going to vote not only against his own interest but against that of his constituents.

Question put, "That those words be there added."

The Committee *divided:*—Ayes 42; Noes 101: Majority 59.

Mr. CRAUFURD said, he wished to make some inquiry of the right hon. Gentleman the Chancellor of the Exchequer with reference to the imposition of the tax on the property of Scotch municipal bodies.

The CHANCELLOR of the EXCHEQUER said, that no Member of that House had been able to tell him of the nature of the grievances of which the parties referred to complained. The only representation he had received from Scotland was a representation in favour of the total exemption of boroughs; but the principle of the law was, that the property of municipal bodies should pay, as other bodies did, for the protection afforded to them by the State; but then came the question what should be done with respect to the rates and duties which contributed to the revenues of municipal bodies? He understood the practice to be, that in the case of duties levied upon articles brought into towns, which duties were imposed by Act of Parliament, the exemption from income tax was allowed; but when such duties were levied under the authority of local by-laws, they were then subjected to the tax. Such was the statement made to him; but he had not been able to obtain any particulars, and the officers of the revenue department in London were entirely without information on the subject. If he could obtain further information while the Bill was going through Committee, he should be glad to make use of it in conformity with the provisions that governed the administration of the law. If not, it must stand over for the consideration of the Executive Government.

Mr. M'MAHON said, he understood the right hon. Chancellor of the Exchequer to object to make an allowance to the tenant for embankments to resist encroachments of the sea; and he wished to know, if the custom were ascertained to be at variance with his decision, would he have any objection to insert a clause to save the tenant as well as the landlord?

The CHANCELLOR of the EXCHEQUER said, he must know the circumstances of the case before he could give any promise. The presumption generally would be, if repairs of that kind were executed by a tenant, they would be allowed for in the rent. He should be glad, however, to receive information on the subject from the hon. Gentleman.

Clause *agreed to.*

Clause 34.

Mr. FREWEN said, that though he had a very legitimate subject of complaint in the mode in which hopgrowers were treated under the Bill, yet, seeing the uselessness of dividing the Committee, he would, on the present occasion, content himself with reminding hon. Members of the oppressive nature of the income tax as far as that class was concerned. He had already drawn the attention of the right hon. Gentleman the Chancellor of the Exchequer to the circumstances which had led him to postpone his claim until the Budget was produced; nevertheless, that had been now done, and still the grievance was unredressed. The hopgrower paid the enormous tax of about 12*l.* an acre upon the raw material, and yet he was called upon to pay the income tax in addition. He should certainly avail himself of the earliest opportunity to take the sense of the House on the question.

Clause *agreed to.*

Clause 35.

Lord NAAS said, he had an Amendment to move, to omit the words "one-third part of" from the clause. He thought that a very good case might be made out why landlords who were repaying loans contracted in times of Irish distress should be altogether exempted from the tax on those instalments. The right hon. Gentleman himself proposed to exclude such parties to a certain limited extent, and seemed thereby virtually to yield the principle contended for. The loans had been, as he said, contracted in times of distress—a very large portion of them not so much for the purpose of improving the land, but with the object of relieving destitution. He certainly thought it was a very hard case that the Government placed the Irish landlord in a different position from that of any other mortgagee; but they actually did so, for they charged income tax upon repayment of the principal. He sincerely hoped that the right hon. Gentleman would entertain the claim which he had made, the more especially as he believed hon. Gentlemen from Scotland would join in urging the demand.

The CHANCELLOR of the EXCHEQUER said, that the clause was a general clause, and had no exclusive reference to Ireland. The general term "rentcharges" was used in the Income Tax Act, that Act having been passed without any reference to those very peculiar descriptions of rentcharge to which the noble Lord alluded, consisting of two elements—the one interest, and the other principal. At present these rentcharges were exempt from income tax by accident, and the intention of the clause was to remedy the error. He thought it was quite clear that they ought not to be exempted. In this case Parliament, for the benefit of the landowner, had become his creditor, and for the convenience of the landowner, Parliament, instead of taking back the debt in one sum, agreed to take it by annual instalments. Now, the fact that a man was about to use any portion of his income in the payment of a debt, did not exempt that portion of income from the income tax; and they might as well exempt a man's payment of 50*l.* or 100*l.* to his butcher or his baker, as assent to the exemption of these rentcharges. If they once admitted the principle of such exemption, he was bound to say that there were a great number of other claims which would be made, and which it would be impossible to refuse. There was, for instance, the case of the repayment of sums borrowed by clergymen for rebuilding their parsonage houses from Queen Anne's Bounty Fund. The amount borrowed was repaid by so many annual instalments, and he had been urged to exempt those instalments from the income tax; but his reply was that they were no more entitled to exemption than any other debt which a man paid out of his income.

COLONEL BLAIR said, that, representing a Scotch county which had borrowed more money for drainage purposes than any other in that country, he must urge the adoption of the noble Lord's suggestion.

MR. FITZSTEPHEN FRENCH said, he believed that landowners were dealt with as mercifully as they could well expect, in being allowed to make a reduction of one-third; and he would advise the noble Lord (Lord Naas) to be content with the clause as it stood.

MR. GEORGE said, he begged to call the attention of the Chancellor of the Exchequer to the case of a party who, being tenant for life, repaid the principal sum due at once, instead of repaying it by instalments extending over a given number of years, and he hoped it was intended to give such a person the benefit of the deductions that would be allowed him in case the money was paid off by instalments.

The CHANCELLOR OF THE EXCHEQUER said, he thought that if a person, after paying five instalments of rentcharge, paid the remainder in one sum, the clause would have no bearing upon his case.

COLONEL DUNNE thought that two-thirds would be more equitable than one-third, and there was reason why those loans should not be charged at all. In many instances the money had been expended in charity, and the landlords had received no benefit from the outlay.

Clause *agreed to;* as were also Clauses 36 and 37.

Clause 38.

The CHANCELLOR OF THE EXCHEQUER, in reply to a question of Mr. Malins, said, this clause was intended as a boon to professional men. The rule with regard to trades was this, that they should pay on the average of three years. If a man were assessed on the fourth year, he would be assessed on the average of the previous three years; but if at the end of the fourth year he should show a falling off in his gains, a deduction would be made; whereas, if there had been a profit on the fourth year the taxpayer would have the advantage of it. That was the present state of the law regarding trades, and the object of the clause was to give the same advantage to professions as to trades.

MR. MALINS said, that professional men now made a return of their profits at the end of every year; and he thought, in many cases, it would be a disagreeable thing if they were called upon to return their average profits for three years. He was far from thinking this clause a boon.

The CHANCELLOR OF THE EXCHEQUER said, he did not see any reason for objecting to it, for no one could be a loser by it. He must repeat, he considered it a boon; but if the hon. and learned Gentleman were desirous that, the present mode of assessment should remain, so that the party assessed should have the option of choosing by which mode his gains should be tested, he would consider if it might not be allowed to remain.

Clause *agreed to;* as were also Clauses 39 and 40.

Clause 41.

The CHANCELLOR OF THE EXCHEQUER said, he wished to explain that its provisions were meant to enact that an abatement of duty should be allowed to those persons who had made insurance, or contracted for a deferred annuity, on the lives of themselves or wives, in respect of the annual premiums made. He would move the addition of certain words in order to meet the objection of the hon. Member for Greenock (Mr. Dunlop) and others, namely, that those clergy in Scotland who contributed, in accordance with private Acts of Parliament, certain sums in respect to the Widows and Orphans' Fund, should be allowed the benefit of the exemption contained in this clause.

In reply to a remark of Mr. T. CHAMBERS,

The CHANCELLOR OF THE EXCHEQUER said, that the words in this clause, "Any person who shall have made insurance on his life or on the life of his wife, or shall have contracted for any deferred annuity on his own life, or on the life of his wife, in or with any incorporated company, or any company or association registered under the Act passed in the eighth year of Her Majesty 'for the registration, incorporation, and regulation of joint-stock companies,'" were introduced in order to induce certain companies which had not yet been registered to register themselves. He considered that the Income Tax Act would confer great benefit on insurance companies by the encouragement which it held out to the public to insure; and he thought this was not an unsuitable occasion to induce those companies to conform with the provisions of the Act passed in 1844 respecting registration, which would be useful as affording authentic public information.

Clauses 41 to 46 inclusive were then *agreed to*.

The CHANCELLOR OF THE EXCHEQUER said, that as to the form of the clause he would now propose, he might call it an Amendment to Clause 13, because the form of such a clause would be preserved. The proposed clause was the same as the 13th, up to the 37th line, where it goes on to say that "the assessment of the said duties in Ireland, chargeable under Schedules A and B, shall be paid by the landlord or lessor; or if it shall appear to the Commissioners to be necessary or proper, the assessment shall be made upon such persons as are liable to the rate for the relief of the poor." He now proposed to add a proviso to the clause, to the effect of enabling the party assessed, who could show that the annual value of the land was less than the poor-law valuation, to do so in the way of an appeal. The proviso would likewise give to the landlord the power of reducing the poor-law valuation to the standard of the actual amount of rent; in all cases where the poor-rate valuation was greater than the amount of rent received. And in cases where the rent was greater than the poor-law valuation, the party would have the benefit of the difference. The remaining portion of the clause was framed in accordance with what he believed was the general view of Parliament on the subject. They would observe that it was the intention of the Government, if the clause were agreed to, to have the assessment made on the landlord and immediate lessor, and not upon the occupier, except in special cases. They might be asked, why they retained a discretion on that subject? He would answer that question. They had come to the conclusion that it would be better for the peace and contentment of Ireland, as well as more advantageous to the collection of the tax, that in the agricultural districts it should be ordinarily levied on the landlord or immediate lessor. But the case of messuages and the case of towns was very different. In towns and cities the occupier was the proper person to place the assessment upon. Generally speaking, in respect to dwelling-houses, factories, and a variety of other tenements, the natural and simple course would be to levy the tax from the occupier. In respect, however, to the agricultural population, he thought that the best mode was to levy from the landlord or lessor. But he thought it was necessary to retain the right of levying upon the occupier, in order to get at the immediate lessor. There might be a difficulty otherwise in coming at the proper party. There was one class of considerations connected with the working of this tax which he thought it was his duty to point out. They took for the basis of their assessment the poor-law valuation. In some cases in Ireland that valuation might, however, be above the actual rental, and in others below the actual rental. Wherever the actual rental was below the poor-law valuation, if they levied upon the occupier, they must require him, in the first instance, to pay according to the poor-law valuation, but they would leave him a remedy of recovering the surcharge. Assuming that 100*l*. represented the poor-law valuation, and that 90*l*. represented the actual rent, by the Bill they must levy upon the 100*l*.; and the occupier, in paying himself, could only deduct 90 sevenpences from the landlord. The remaining 10 sevenpences he will be obliged to seek for by a process pointed out in the clause. This, however, was an inconvenience which could scarcely occur more than once; for, on the real facts being made known to the proper officers, the demands made upon him in future would be levied according to the amount of the actual rent. After the people of Ireland had been given to understand that they were to be relieved from the consolidated annuities, and that in lieu thereof there was to be imposed an income tax which would be borne exclusively by persons having 400*l.* a year and upwards, he thought it would be difficult for them to reconcile it to themselves that they should be called on in the first instance to make these payments, even though they had afterwards to get them returned from the immediate lessor. They were not familiar with that course of proceeding, and he (the Chancellor of the Exchequer) was afraid that it would tend to great dissatisfaction. It was upon the joint effect of these considerations, then, that the Government had come to the conclusion to propose to the Committee to frame the Act of Parliament in such a way as to show that the intention of Parliament with regard to the owners of land in general was, that the assessment should be made on the immediate lessor—reserving, however, in cases of necessity, the power of resorting to the occupier. The clause would contain two important provisoes—one giving any person assessed, whether the immediate lessor or occupier, on the poor-law valuation, the right of appeal to reduce the valuation to the actual annual value; the other meeting the case of the landlord whose rent was less than the valuation, and which would prevent him from being assessed to a higher amount than the rent. As to the course which ought to be taken with regard to this question, it would not be fair to press the Committee for a decision before it had had time to consider the matter. He thought, therefore, the best course would be for the Committee to allow him to introduce the clauses now, insert them in the Bill, and read them in conjunction with the other clauses, so that hon. Members might have a better idea of their effect than if they were printed with the Votes. Should that be the opinion of the Committee, he would propose the insertion of these clauses, together with the clause of the hon. Member for the University of Dublin (Mr. G. A. Hamilton), then get the Bill reprinted, and fix a day for the third reading, when hon. Gentlemen would have ample opportunity of discussing and deciding upon the question.

Lord NAAS said, he did not rise at that moment to oppose the clauses of the right hon. Gentleman; but he thought their operation would be to create an entire new mode of assessment—a mode of assessment for which hon. Gentlemen on that (the Opposition) side of the House were not in the least degree prepared, and which was without precedent in this country. The proposal was such that it would take some time before hon. Members would be able to form an accurate opinion of what its probable effects would be. The right hon. Gentleman asked them to consent now to the insertion of these clauses in Committee, and defer the discussion of the principles at issue until the third reading of the Bill; but that was a course which hon. Gentlemen on that side of the House could hardly with fairness be expected to assent to. He would suggest, therefore, whether they had not better report progress, give notice for the printing of the proposed clauses, and let the discussion be taken upon the question next Thursday. Hon. Members from Ireland would thus have an opportunity—a brief one, certainly—of considering their effect. It was a most unusual proceeding, however, to ask them to forego that legitimate course of fair discussion which they had in Committee, and in Committee alone, upon what, in point of fact, was an entirely new Bill.

Mr. MAGUIRE said, he approved of the principle of the Chancellor of the Exchequer's new clauses, but he could not understand upon what ground the right hon. Gentleman asked a man to pay a tax in the first instance to which he was not at all liable. Nothing could be more vexatious and harassing than to ask a tenant to pay this tax, or to be liable to have his goods seized for it when the law said that the tax should not be imposed upon him, but upon his landlord. For the same reasons which induced the right hon. Gentleman to exempt the tenant-farmers from the operation of this tax, he recommended him to apply the same principle to the inhabitants of the towns.

Lord JOHN RUSSELL said, if the clauses were inserted now, he should have no objection to the recommitment of the Bill, provided it was distinctly understood that the discussion would be then confined to the subject-matter of the clauses themselves.

Lord NAAS said, he would willingly concur in the suggestions of the noble Lord, with that understanding.

Mr. I. BUTT then proposed a clause

providing, that in calculating for the purpose of the tax any income derived from the rent of lands, the calculation should be made upon the net amount, after allowing for the poor-rate chargeable against the landlord. This question could not arise in England, because in this country the tenant paid the poor-rate. In Ireland, on the other hand, the tenant paid it in the first instance, but when he came to pay his rent he deducted one-half of it; and the law avoided any contract made between landlord and tenant, by which the tenant would undertake the entire rate. In every instance, therefore, in Ireland the landlord's real rent was his nominal rent, reducing half the poor-rate; and the clause he proposed was absolutely necessary to place the Irish landowner in the same position as the English. An illustration would make this plain. Let him suppose two farms of exactly the same value, one in England, the other in Ireland, each of the gross value, without reference to poor-rates, of 110*l.* If the poor-rate in each case were 10*l.*, the tenant taking the English farm would pay the whole poor-rate, and he would give for the farm 100*l.* a year; but taking the Irish farm, he would pay only half, and the rent would be fixed at 105*l.*; but when he came to pay his rent he would hand over as part of it a poor-rate receipt for 5*l.*; and the landlord would receive exactly the same sum of money as the English one—100*l.* But the income tax would be paid by the English landlord on 100*l.*, the sum he did receive; by the Irish landlord on 105*l.*, the sum he did not receive. But, in fact, the principle for which he contended was conceded in the Bill applicable to England, because there was a clause that if in any case the landlord contracted to pay the poor-rate, his income from the rent should be calculated after a deduction of the amount. Now, in Ireland the law made this very contract in every case. If the landlord in England contracted to pay half the poor-rate, it would be deducted from the rent on which he was to pay income tax. In Ireland, in fact, every letting was made subject to such a contract. It was manifest justice that the same consequences should follow.

The CHANCELLOR of the EXCHEQUER said, the general basis of the Bill placing the rate on the poor-law valuation showed the intention of the Government, because that rate was made by law on the value of the holding after allowing for the poor-rate. The intention, therefore, was to make the allowance contemplated by the hon. and learned Gentleman. But the hon. and learned Gentleman would see that it was impossible for him to carry the clause as he proposed it. If that clause were adopted in every case in which the landlord's rent exceeded the poor-law valuation, the landlord would have the deductions twice over: first, in being assessed on a valuation in which allowance was made for this very deduction; and, secondly, according to the hon. and learned Gentleman's proposal, in being allowed it as a deduction from the income of his estate. It might, perhaps, be necessary to bring up a new clause providing for cases in which the rent was below the poor-law valuation; and if on consideration he found that such a clause was necessary, he would bring it up on the third reading, but it was impossible for him to accede to the clause proposed by the hon. and learned Gentleman.

Mr. BUTT said, that upon this assurance he would withdraw the clause; but the right hon. Gentleman would find it absolutely necessary to make some provision like that he had pointed out. The cases in which the rents in Ireland were below the poor-law valuation were by no means rare. The estate of an hon. Baronet near him (Sir Arthur Brooke) was set at an annual rental 1,500*l.* below the poor-law valuation.

Clause *withdrawn.*

Mr. BLACKETT said, he would now bring forward the clauses of which he had given notice. The principle of the first two was identically the same, and that principle was simply this—that it was desirable to limit, as far as possible, the discretionary power at present exercised by the Income Tax Commissioners, and to lay down some fixed rule in cases where there at present prevailed nothing but a contradictory practice. It was, he believed, a common impression that persons assessed to the income tax were only chargeable with the tax upon the amount of money actually received; but this was quite an erroneous notion. If they would turn to the Act of 1842, they would find it enacted that "no deduction was made for any debts except bad debts, proved to be such to the satisfaction of the Commissioners respectively." Now, he confessed that, in his opinion, the fairest rule would be that no man should be called upon to pay income tax on any greater amount of money than he actually received into his pocket; but he did not propose to go so far, or to establish any principle that would interfere with the amount of revenue which the Chancellor of the Exchequer calculated upon receiving. He only proposed to take the two extreme cases in which a debtor either declared himself bankrupt or entered into a composition with his creditors, and in which cases all chance of recovering the debt was gone, and to enact that in those cases the creditors should be rated upon the sums they actually received. With respect to the second clause, which referred to deductions for wear and tear of machinery, there was no provision made in the original Act; but it was indisputable that in many cases such deductions were made, although he must say that all the witnesses were agreed that they were not fairly allowed under the provisions of the Act, and that the practice of the Commissioners varied considerably in different districts. Now, he thought it was desirable to lay down some fixed rule either for or against these allowances, and not to leave the matter in the present unsatisfactory state. The principle of his third clause was, not to establish a new Court of Appeal against the decisions of the Commissioners, but merely to facilitate the access to the very indifferent kind of court which at present existed.

The CHANCELLOR OF THE EXCHEQUER said, he fully admitted that the questions involved in the hon. Gentleman's clauses were difficult and important; but it was not without serious consideration that he had come to the conclusion that it would not be wise to adopt them. With respect to the first of these clauses, what he had to observe was this, that it proposed a departure from the entire principle on which profits were at present calculated for the purposes of the income tax. The whole principle upon which the income tax proceeded was, that the payments under Schedule D were to be computed, not upon the receipts but upon the profits of the year. Now, the proposal of the hon. Gentleman was, that they should entirely depart from that principle, so far as debts, either bad, or supposed to be bad, were concerned; and he (the Chancellor of the Exchequer) must say that he was very apprehensive of the effect of this change of principle. He did not see why, as the law at present stood, it should not work in a manner generally satisfactory. He had been told by what he might call the highest authorities, that the proper course would be, that when a debt was alleged to be bad, or partially bad, but where there was a prospect of future dividends, a fair estimate should be formed of the value of the debt, and that the tax should be charged in accordance with that estimate. It appeared to him, that if any alteration was to be made in the present clause, that would be the proper mode of proceeding, because then there would be no departure from the principle of the Act. If the hon. Gentleman thought it desirable to move an *addendum*, providing that debts might be valued, he should not probably object to that. With respect to the second of these amendments, he confessed he doubted whether it was an improvement at all upon the law as it stood, which already provided that deductions might be made for the supply, or repair, or alteration of machinery. If the objections of the hon. Member were that there was no allowance for wear and tear, the fairest way of considering that would be to see whether wear and tear should not be specified among the articles to be deducted. His objection to the proposition was, that it first left it to the discretion of the Commissioners to decide whether it should be allowed at all, and then, when once determined on, fixed irrevocably at 5 per cent. He thought the better way would be to provide that, where necessary, wear and tear should be regarded as a matter of fair exemption; but that the amount to be allowed for it should be left to the discretion of the Commissioners. The third clause appeared to him to be very objectionable, because it would saddle the public with the cost of a double set of Commissioners and a double investigation. A man would first take his chance with the local commissioners; and if they pressed him too hard, he would then go to the Special Commissioners. The present principle of the law was, that a man should exercise his option, but he must do so at once. It might be that the hon. Gentleman was not satisfied with the local tribunals. Then the proper mode of dealing with such a question was to see whether they could amend that machinery. He confessed that he felt considerable prejudice against the machinery as it at present stood, and believed that it might be most beneficially improved. He did not, however, pretend to say that he was able, pressed as he had been with other business, to say at once what would be the best way of approaching that question, and would only say that there was every desire, on the part of the Government, to adopt such steps as, without mixing it up with the consideration of financial measures, would admit of well-considered improvements in what must be considered as an old and somewhat crude system.

Sir JOSHUA WALMSLEY said, he hoped, whatever the fate of the first and second clauses might be, that the Chancellor of the Exchequer would give his best attention to the first. As a mercantile man, he could speak emphatically of the great inconvenience which arose, in practice, from the Commissioners refusing to take any cognisance of bad debts unless under acts of bankruptcy, and where dividends were paid. The cases were numerous in which a merchant made a bad debt quite equal to his ordinary income on the year; and yet, under the present system, no allowance was made for bad debts of this nature.

Mr. G. BUTT said, that the answer of the right hon. Chancellor of the Exchequer was far from satisfactory, more particularly after he had admitted that it was very unfair to tax a man for debts which were clearly bad. The principle which the hon. Member for Newcastle-upon-Tyne (Mr. Blackett), proposed, affected the case only where debts were "ascertained" to be bad. They were not to speculate, for he admitted there was great difficulty in ascertaining the value of debts about which there might be some doubt; but it appeared to him that there was something very tangible and exceedingly clear in the 1st clause. When there was a bankruptcy the whole of the debt was to be deducted from the profits of the year in which it was declared, and in subsequent years credit was to be given for the dividend as part of the profit of those years in which a dividend was paid. He thought that this was an extremely fair proposition; and he could imagine nothing more unfair than that a trader should be called upon to pay upon the whole of his debts, and then, if a bankruptcy occurred, and all was positively lost, that the duty should not be remitted. Clearly, the tax either ought not to be taken in the first instance, or if taken, and the money were lost, it ought subsequently to be remitted.

The CHANCELLOR of the EXCHEQUER said, as there appeared to be some discrepancy among good authorities as to the practical working of the first clause, perhaps the best way would be to leave the clause in his hands, with the view of its being further considered, and he would endeavour to meet the case which it involved.

Mr. GEORGE said, he was in favour of all the clauses proposed by the hon. Member for Newcastle-upon-Tyne, and he hoped the Committee would adopt them.

Mr. E. EGERTON said, with reference to the third clause, that the present working was far from satisfactory, and that, in the absence of any other proposition from the Chancellor of the Exchequer, he should support it.

Mr. CHEETHAM said, he should support the second clause. Many manufacturers had 20,000*l.* worth of machinery, and paid 1,000*l.* or 2,000*l.* annually in depreciation. Still they had to pay upon the whole of this, and he considered it most unjust.

Mr. J. PHILLIMORE said, that great inconvenience arose from different principles being acted upon by local commissioners in different districts, and he would beg to express a hope that the Chancellor of the Exchequer would agree to the third clause.

Mr. ALEXANDER HASTIE said, he could also speak to the inconvenience resulting from the want of uniformity in the practice of the commissioners: there were different regulations with regard to the depreciation allowed to shipowners in Glasgow from those that prevailed in Liverpool and Hull.

Mr. BRIGHT said, the Chancellor of the Exchequer appeared to wish the Committee to believe that it was not essential that a Bill under which a large amount of money was to be raised should be properly contrived and arranged, but as it was essential to the right hon. Gentleman to raise the money, he seemed to think it a little unreasonable that any one should object to any of the clauses. The right hon. Gentleman was not aware of the difficulty which the second resolution was intended to remedy. It was the custom for manufacturers to expend a large sum annually in keeping their machinery in good working order, and he knew that the deduction of 5 per cent proposed was considerably less than the depreciation of the machinery in the manufactories of Lancashire and Yorkshire. He was satisfied the right hon. Gentleman would not deny the abstract justice of the principle of his hon. Friend (Mr. Blackett), and, if so, he could not see what objection he could have to introduce the clause, because it was most desirable to produce uniformity in the practice of the commissioners. As to the third proposition, he must say the system by which the local commissioners were appointed, was bad, and he urged on the Chancellor of the Exchequer the propriety of considering his proposition that they should be elected by the income-tax payers. The right hon. Gentleman might certainly adopt some mode of making the operation of the law more acceptable to the public, and he thought the Committee ought to insist on inserting the required alterations in the Bill. Let him make such concessions as were reasonable, in order that there might be no complaints of the tax for the future.

SIR WILLIAM CLAY said, that if manufacturers had a claim to deductions on account of machinery, shipowners had a much stronger claim, as their property was depreciated by wear and tear to a much greater extent.

The CHANCELLOR OF THE EXCHEQUER said, that there were three propositions before the Committee. With respect to the first, he was willing to admit that it seemed to demand that something should be done regarding it. With respect to the second, it amounted to a general allowance for depreciation. This might be an equitable ground for deduction, and he was not prepared to say that it was not; but if they were to consider depreciation in machinery and ships, they would have further to consider how the admission of the principle would be affected with regard to the other great classes of taxpayers. The expenses of repairs and management being already allowed under Schedule D, it would be well for the Committee to consider how far they would be justified in making further concessions. If any hon. Gentleman could discover some mode of reconstructing the income tax, with greater justice and fewer oppressive incidents, in Heaven's name let him do it; but he warned the Committee how it carelessly opened the door to those other concessions to which hon. Gentlemen had referred.

MR. J. B. SMITH said, that the absence of a right of appeal from the decision of the local commissioners had often led to great injustice. Mr. Fielden, formerly of that House, preferred to have his goods sold by public auction, than conform to that which he believed to be unjust.

MR. BLACKETT said, in reply, that the encouragement he had got from hon. Members was sufficient to induce him to take the sense of the Committee on the first proposition with reference to bad debts. With regard to the second proposition, he believed it would be necessary to leave the definition of what was machinery to the discretion of the Commissioners.

The CHANCELLOR OF THE EXCHEQUER said, he did not expect, after what fell from the hon. Gentleman (Mr. Blackett) in his opening speech, that he would divide the Committee upon his clauses. If that intention were persisted in, he (the Chancellor of the Exchequer) must point out one matter so objectionable that he would be compelled to resist the clause. The hon. Gentleman proposed, "Whenever a composition shall have taken place between a debtor and his creditors, such sums only shall be liable to income tax as shall have been actually received by the several creditors within the year for which their respective returns are made." Upon what principle should that be allowed? When a composition had once been effected, the debt could no longer be considered a bad debt, or why should not all debts due be considered bad debts?

MR. BLACKETT said, that as a young Member of the House, he was most unwilling to appear to act any way vexatiously; and if the right hon. Gentleman would promise to introduce a clause embodying the principle, he (Mr. Blackett) would not divide the Committee.

MR. G. BUTT said, he could not see why compositions with creditors should not be treated by the Chancellor of the Exchequer as similar cases in insolvency. If the hon. Gentleman who proposed the clauses persisted, as he hoped he would, in taking the sense of the Committee upon them, he (Mr. Butt) would gladly support him.

MR. MILES said, he hoped the hon. Member who moved these clauses would consider what had fallen from the right hon. Chancellor of the Exchequer. It would be hardly fair to pin the right hon. Gentleman to a clause without affording him an opportunity of consulting the law officers of the Crown upon it, particularly after the principle had been admitted. He should recommend the hon. Gentleman (Mr. Blackett) to leave the matter in the hands of the Government. With respect to the exclusion of machinery employed in manufactures, he would remark that some machinery was used now in agriculture; and if one exemption was allowed, the other must follow. But he thought the Chancellor of the Exchequer had done as much as could be expected from him in promising to consider the first proposition.

MR. MITCHELL said, he saw no reason why a man should not set off the value of his bad debts from his income. As the right hon. Chancellor of the Exchequer was willing to consider the propriety of framing a clause to meet the evil, he should recommend his hon. Friend (Mr. Blackett), to whom great credit was due for introducing the matter, to withdraw the clauses.

MR. BLACKETT said, he had hoped for a more distinct announcement from the Chancellor of the Exchequer; but he thought the Committee would agree that he was acting safely in withdrawing the clauses.

The CHANCELLOR OF THE EXCHEQUER thought the principle of the hon. Member for Bridport (Mr. Mitchell) was correct; and if there was anything to add in the shape of a specific provision for bankruptcies, he was willing to do so.

The first and second Clauses were then put, and *negatived.*

Upon the 3rd Clause being put,

MR. M. CHAMBERS said, he must beg his hon. Friend not to withdraw that clause, which he considered to be most important. One objection to the income tax was, its inquisitorial character, and anything that could be done to remove the annoyance and vexations attendant upon it should be done. The object of the clause was to prevent unnecessary exposure before local commissioners, who might be the rivals in trade of the appellant. He thought the proposition was just, fair, and equitable, and likely to make the tax palatable.

Clause *negatived.*

MR. J. BALL said, he would now beg leave to bring forward the clause of which he had given notice. He believed it desirable that they should go as far as was possible in recognising the principle of exempting precarious incomes from the tax. The object of this clause was to extend the principle which had been recognised by the right hon. Gentleman in that very important modification of this tax which he had introduced into the 41st section of the Bill before the Committee. It was desirable, he thought, to go as far as possible, without altering the principle of the tax itself, in recognising the claims of the possessors of precarious incomes. His object, therefore, was to provide a mode by which, secure from fraud and imposition, every possessor of precarious income should be enabled annually, or at such time as he was enabled to do so, to invest, for the future support of his family, or of those legally dependent upon him, such portion of his annual income as he was disposed to lay aside for that purpose. He proposed that there should be an official trustee, who should be the depositor of the sum so invested, and that every individual should be allowed the discretion either of receiving himself the interest of the sum invested, or of allowing those sums to accumulate for the benefit of the persons in whose favour the trust was drawn up.

The CHANCELLOR OF THE EXCHEQUER said, he saw several objections to this clause. First, he doubted very much the expediency on general grounds of holding out such a decided premium to the locking up of large accumulations of capital as would be created by enabling persons who transferred sums of money to an official trustee for the benefit of their wives or children, to claim as deductions from their incomes the amounts so invested. Again, such an arrangement would be objectionable, because it would operate in favour of Schedules E and D, to the exclusion of the rest of the schedules. And, lastly, he denied the expediency of creating a machinery of this kind, so exceptional in its nature, and tending to bring about a particular disposition of property upon a large scale, and thereby interfering with the natural course of property, until Parliament had at least determined whether the income tax was to be a permanent part of the revenue of the country. If the tax was intended to be made permanent, then he could perfectly understand this proposition, although even then its expediency would admit of discussion; but surely nothing could be more irrational than to appoint official trustees and give people a bonus upon whatever funds were placed in their hands, and thereby to bring about a great concentration of property under a highly artificial form for the sake of exemption from the tax, when at the same time they were holding out the hope that Parliament might discontinue the tax. The question of the duration of the tax would in few years have to be considered; upon that point he had already expressed his own opinion; but whether its duration should be temporary or permanent, at all events do not let them prejudge that question by a collateral arrangement like the one now proposed, which would be absurd unless the tax was to be permanently continued.

Clause *negatived.*

Mr. I. BUTT said, he would now propose the addition of a clause, the object of which was to place the trader in Ireland upon as advantageous a footing with regard to appeals as the English trader. As the Bill at present stood, the Irish trader had no power of going to the Special Commissioners in the first instance with his complaint respecting the assessment, but could only go before them on appeal from the decision of the Land Tax Commissioners; whereas, the English trader had the option of going with his case before the Special Commissioners as a tribunal of first instance.

The CHANCELLOR of the EXCHEQUER said, that the Irish trader was placed by the Bill upon precisely the same footing as the English trader. The Commissioners of Inland Revenue appointed the persons who were to make the assessments; and if the hon. and learned Gentleman supposed, as he seemed to do, that the Special Commissioners were independent of the Commissioners of Inland Revenue, he was entirely mistaken. What appeared to mislead the hon. and learned Gentleman was the fact that in England under ordinary circumstances, although the assessment was really made by the inspectors or surveyors of taxes, yet the parties could only be served with the notices under the authority of the local commissioners; where in Ireland there were no local commissioners, and all the proceedings that were taken with regard to any assessment must have the previous saction and authority of the Commissioners for Special Purposes.

Mr. I. BUTT said, that if the right hon. Gentleman was right in the construction he put upon the Bill, and it was really the case that the Irish trader was equally privileged with the English trader, nothing could possibly be more absurd than the collocation of words contained in the two clauses which the Committee had passed with regard to assessments and appeals in Ireland.

Mr. G. BUTT said, he hoped his hon. and learned Friend would not press this matter to a division, but would leave the clause for reconsideration.

Mr. I. BUTT said his mind was fully made up as to the necessity for the clause, but he did not wish to press it against the feeling of the Committee. He begged to give notice, however, that when the Bill was recommitted on Thursday next, he should again move the adoption of the clause.

Mr. KIRK said, he thought that there being, first, an appeal to the Commissioners for Special Purposes; and, secondly, an appeal to the assistant barrister, there could be no doubt that substantial justice would be done to all parties assessed under Schedule D. He saw no necessity, therefore, for the supposed clause.

Clause *negatived.*

The House resumed; Bill *reported.*

CUSTOMS ACTS.

Order for Committee read.

House in Committee.

Mr. T. BARING said, he did not wish to impede the course of public business, but he must enter his protest against the system of taking the duty off articles merely because the duty was not oppressive in amount. He thought the duty ought only to be remitted when it rested upon the consumer or upon the manufacturer, or when by its repeal they could reduce the expense of collection, or enlarge the commerce of the country. That opinion, he knew, was not popular in that House; but he felt the same difficulty in 1845, when the then Government proposed reductions upon a large number of articles, by which between 300,000*l.* and 400,000*l.* was thrown away for no purpose. He protested against the continuance of that system, because he believed that if, by this process, they threw the whole of the customs duties upon some twelve or thirteen articles of consumption, the people would rise and say that they should not be called upon to pay duty upon sugar, tea, and tobacco, while Parliament was repealing the miserable duty upon anchovies, agates, camelians, and other articles of that nature. The true principle of customs he conceived to be this—that they should throw their net over as much as they could, and not let it press unduly and heavily upon any one article, but make each and all contribute to the exigencies of the country.

The CHANCELLOR of the EXCHEQUER said, his hon. Friend, who had just sat down, had expressed great contempt for duties on anchovies, agates, and cornelians, and called them miserable exactions. He did not much differ from the hon. Gentleman as to the principle, but he must express his astonishment at the conclusion to which the hon. Gentleman arrived as to the propriety of keeping those miserable duties still in force. The hon. Gentleman said he would not remove Customs duties, unless by doing so he could relieve the commerce, increase the trade of the country, or benefit the revenue. No doubt the taking off the duties on agates and cornelians would do little towards any of these objects; but still he said, that whilst the removal of duties from large articles led to a great increase in the trade of the country, the removal of duties from minor articles also increased trade in the proportion of the amount of revenue formerly produced. If the hon. Gentleman said that the reduction of duties made of late years had had no appreciable effect on our commerce, he would appeal to any Gentleman conversant with subjects of public economy to say whether great relief had not been given to trade, and whether the facilities had not been largely increased by the removal of duties. He did not claim for this proposition the character of a great national benefit; but, on the other hand, there was no national object involved in the levy of the duties in question. If he was told that to remove the duties off a few small articles was bad and dangerous policy, he replied that he thought it defensible in point of reasoning; and in point of authority he was inclined to fall back on the opinion of Mr. Deacon Hume, that the most advantageous course was to raise the bulk of the Customs revenue from a few articles, leaving the whole range of minor articles untouched.

Mr. T. BARING said, he must explain that he meant to speak of the proposed reductions as miserable in point of the relief to be afforded. If it were convenient to sacrifice some thousands of pounds of revenue, it would be much better to apply the sum in removing the duty from articles which entered into general consumption.

Mr. DISRAELI said, he had not been led to expect, by the notice given by the right hon. Gentleman the Chancellor of the Exchequer, that they would have entered at that late hour on the discussion of the principle on which our Customs duties ought to be established; but as the question had been started, he did not wish, so far as his own opinion was concerned, to let the matter pass over silently. He thought there was a great deal in what had been said by his hon. Friend the Member for Huntingdonshire (Mr. Baring). The Committee must remember, that in putting an end to Customs duties on small articles, they did not reduce the cost of general collection. You might abolish almost every item of Customs duty; but if you raised your revenue from a dozen articles, the cost of collection would still remain about the same. You must examine the articles in order to charge them with duty; for if you did not, every article would come in free. Thus, one of the greatest reasons why it was extremely advisable in dealing with Excise duties, that you should entirely remove them, did not apply to Customs duties. Another reason for removal, that did not apply to Customs duties, was, that in leaving them you did not interfere with any process of manufacture. These were distinctions which should always be borne in mind in legislating on these matters. He did not think they ought to set their faces against raising moderate duties from a variety of articles. The principle that a toll ought to be paid on articles entering into the consumption of the country, appeared to him a very sound one. What they ought to oppose, under all circumstances, was excessive duties. Let him recall to the attention of the Committee, that at this moment a very moderate Customs duty, proposed by the eminent person who first brought it under consideration as merely nominal, the one shilling per quarter on grain, now yielded to the Exchequer a revenue of 500,000*l.* yearly. It was unwise, in the revision of the tariff, to aim at the annihilation of duties. The leading principle ought rather to be to keep them general in application and moderate in amount, and he believed that a tariff of this kind would form a healthy and considerable source of revenue.

Lord JOHN MANNERS said, he wished to enforce what had just been said as to the removal of Customs duties not diminishing the cost of collection, by reference to a Parliamentary paper just delivered. In 1842 the cost of collecting the Excise duties amounted to 862,682*l.*; in 1851 it was reduced to 673,826*l.*, whilst during that period the total of Excise duties repealed amounted to 1,619,000*l.* On the other hand there was no corresponding action of the repeal of Customs duties in diminishing the amount of the cost of collecting the Customs revenue. In 1842 the cost of collecting the Customs revenue amounted to 1,254,590*l.*, whilst in 1851 it had actually increased to 1,290,756*l.*, showing a difference of 36,166*l.* The total of Customs duties repealed during this period amounted to 1,450,000*l.* Thus, whilst by repealing Excise duties you could confidently calculate on a proportionate diminution in the cost of collecting the revenue, the removal of Customs duties gave no ground for expecting that you could save materially in the collection of those which were retained, and you must absolutely not be surprised if you found the cost of collection considerably increased. He thought that, if no other reason could be alleged for postponing the consideration of the articles to which he specially objected in the Resolution of the Chancellor of the Exchequer, the remarkable figures which he had laid before the Committee would be in themselves sufficient. If for the sake of simplifying the tariff it were thought advisable to strike out of it 119 articles, producing 80,000*l.* to 90,000*l.* revenue, that was no justification for striking out eleven articles yielding 33,000*l.* or 34,000*l.* It might be wise so to alter duties as to combine with the largest revenue the greatest amount of importation, but he saw no reason either in the state of our finances, or in that of our foreign relations, for throwing away even a sum of 33,000*l.* or 34,000*l.* If gentlemen blessed with a taste chose to import pictures from Italy, or painted glass from Munich, there was no reason why they should not pay duty on the articles imported, or why their wives and daughters should not have to pay if they chose to import cambric handkerchiefs from France.

Mr. CARDWELL said, he did not want to prolong the discussion, but he could not permit the noble Lord to state as a conclusive reason against removing Customs duties the fact that he had discovered an increase of 36,000*l.* on a total expenditure of no less than 1,200,000*l.* in the collection of this branch of the revenue. The noble Lord had entirely omitted any reference to the increase that had taken place in the commerce of the country; but if they looked at this they would find that the corresponding increase in the cost of collection ought to have been, not 36,000*l.* but somewhere about 200,000*l.* He could not at the moment state the difference in the official value of the imports, but that of the exports did not reach 48,000,000*l.* in 1842, whereas it exceeded 73,000,000*l.* in 1851. He remembered that the hon. Member for Montrose (Mr. Hume) brought forward early in the Session a Motion for the removal of Customs duties yielding no less than 1,500,000*l.* to the revenue, and obtained for that proposition the support of the right hon. Member for Buckinghamshire (Mr. Disraeli). If he was not greatly mistaken, one of the categories particularly recommended to their attention, both by the hon. Member and the right hon. Gentleman, embraced the very articles under discussion, and which they were then told yielded no revenue to warrant the expenditure of such a sum in the collection. He remembered as well as possible the same arguments being used in 1846; but they had made a great advance since that time in the application of sound principles to the economy of the public finances. Were they to be told in 1853 that it was of no advantage to the trader that in a particular class of goods he was free from the interference of the Customs, and that he might bring his imports at once into the market? They had had no notice that any resistance would be offered to the present propositions; and he called on the Committee to bear in mind that the trade of the country had been held in suspense, owing to the pendency of the financial arrangements of the year. Would it be said by a Gentleman of such high respectability, and such deserved authority in trade as the hon. Member for Huntingdonshire (Mr. T. Baring) that they should keep these matters longer undecided? It was absolutely necessary to terminate a suspense which benefited no interest, but injuriously interfered with the vast transactions of our national commerce.

Lord JOHN MANNERS said, the right hon. Gentleman had taken no notice of the figures he had adduced relative to the diminution in the cost of collecting the Excise. No one could doubt that the increase in our domestic trade had been commensurate with that of our foreign commerce, yet the fact stood untouched, that whilst the cost of collecting the Customs duties had rather increased, that of collecting the Excise duties had materially diminished. His position had not been invalidated by the observations of the right hon. Gentleman, and he should feel bound to take the decision of the Committee on eleven articles on which he did not think the Chancellor of the Exchequer justified in asking a remission of duty.

Mr. T. BARING said, the right hon. Gentleman had appealed to him as a merchant as to the inconvenience occasioned by suspense; but the right hon. Gentleman knew perfectly well that the only two articles at all interesting to commerce were tea and soap; and when the right hon. Gentleman talked about the injury of suspence in reference to such an article as anchovies, he certainly must be at a great loss for a reason for pressing forward the propositions. With respect to the other argument of the right hon. Gentleman, every hon. Member knew that the interference of the officers of Customs was not in exports. The expense of collection was not at all diminished by the removal of small duties, and there was no equivalent benefit to the consumer.

Mr. CARDWELL explained that he quoted those figures, which he remembered accurately, merely for the purpose of showing the great increase which had taken place in the trade of the country.

Mr. DISRAELI said, that as the right hon. Gentleman opposite had charged him with inconsistency in voting on a previous occasion for a Motion made by the hon. Member for Montrose, he wished to explain that he did not vote for that Motion on the ground that it removed a number of small duties, but because it terminated protection on a number of articles consumed by the cultivators of the soil.

On the Tea Duties reduction,

Mr. DISRAELI said, he wished to know if the right hon. Gentleman the Chancellor of the Exchequer was prepared to offer any observations to the House on the present state of affairs in China?

The CHANCELLOR of the EXCHEQUER said, he would be happy to give, at a subsequent period, any information in his power upon this subject.

Mr. DISRAELI said, he thought that subsequent statements were not generally satisfactory to the public. He should like to have had some idea of the estimate which had been formed of the increase in our commerce with China in consequence of the reduction of the tea duties, and also he should like to have known if the Government was possessed of any information as to the present state of affairs in China. He would not at such a late hour lead the Committee into any discussion; but the question was, in his opinion, one of a most important character.

Mr. MOFFATT said, that very considerable excitement had been caused in the trade by the announcement of the intention to withdraw the pound draught on tea; that a public meeting had been held in the City, at which a deputation had been appointed to wait upon the Chancellor of the Exchequer; and that the deputation had had a very lengthened interview with that right hon. Gentleman. It had been shown to that deputation, consisting principally of persons connected with the trade, that the weighing and taxing of tea were more favourable to the trade than they had previously believed; and the result was, that, although by no means satisfied with the withdrawal of the pound draught, which had been for so long allowed, the deputation admitted that they could not equitably resist the arguments and facts adduced by the Chancellor of the Exchequer. The result of the interview was an arrangement by which the pound draught would be extended to all tea now in bond or to arrive prior to the 5th of July next; and, with this compromise, it was not desired by those who had previously been anxious for the Amendment of which he had given notice, for the continuance of the pound draught, that he should now persevere in that Motion; he, therefore, urged the Committee to pass the Resolution now before it.

The CHANCELLOR of the EXCHEQUER said, he would not enter into details at that late hour, but would simply state that it was proposed that all tea imported and reported at the Custom-house before the 10th of July should have the benefit of the pound draught; but that, after that time, it should cease altogether.

Mr. DISRAELI: The Committee should understand, Sir, that this Resolution is a most important one. We are now called upon to vote a reduction in the tea duty to the amount of nearly 3,000,000*l.*, and we must recollect that on this subject we have received no statement from the Chancellor of the Exchequer. I think that we ought not to agree to the Vote without some statement from the right hon. Gentleman of his detailed opinions on the subject; and I say that we ought to have some estimate from him of what he thinks the increased consumption in this article will be in consequence of the gradual reduction of the duty. We ought also to have an expression of his deliberate opinion as to the increased supply which he expects from China, and we ought to have an authoritative statement from the Government whether, in their opinion, the political changes which are occurring in that country are liable to affect that increased consumption, and to promote that increased commercial intercourse which is expected in consequence of the reduction in the duty. We have not yet heard a single word on this important subject; but there are many points connected with it which ought to be fully put before the

Committee to enable hon. Members to express their views on the question. Without offering any formal opposition to the proposition of the Government, I think it not only discreditable to this House, but that we should be wanting in our duty to our constituents, if we have not an opportunity of calmly and properly discussing a question of this kind in which their interests are deeply concerned. The Committee must recollect that when a proposition was made by the late Government to deal with the tea duties, we purposely combined with it an article of British growth, with which tea was supposed to enter into competition. I will not enter into a long argument on the question of the malt tax; but it is well known to every hon. Gentleman in this House that the consumption of malt has been diminishing in this country; and no matter what the real cause may be, the cause which has been urged by hon. Gentlemen opposite is, that tea has become a substitute for an article of British growth and manufacture. You are now called upon immensely to reduce the duty on a foreign article, without reducing the excessive duty which is paid on an article of home growth. A proposition of this kind, I say, ought not to be brought forward at one o'clock in the morning, without any statement from the Minister, and without any opportunity being given to Gentlemen on this side of the House of submitting those considerations which they think may affect the decision of the Government. I think that, at one o'clock, it is somewhat preposterous that the right hon. Gentleman should attempt to hurry over so important a question as the tea duty—one which enters into competition with an article of home growth, and which, if carried out, will effect a reduction of 3,000,000*l.* in our revenue. No estimate has been given of the probable increased consumption of tea under the unprecedented circumstances which are occurring in China, and which may have the effect of diminishing the supply from that country. I hope the right hon. Gentleman will find it convenient to bring forward this very important subject at a more seasonable time.

The CHANCELLOR of the EXCHEQUER said, he did not understand before this moment, and, indeed, he could hardly understand it now, that the right hon. Gentleman was of opinion that it required the consideration of the Committee, whether they ought to proceed to reduce the tea duties, or to take off one-half of the malt tax. He certainly had thought that the opinion of the Committee was entirely made up on this subject. He was aware that in the ordinary state of things it would have been his duty to make a statement to the Committee on this question; but considering the hour of the night, and considering, also, the great inconvenience produced by a suspension of trade in consequence of this part of the financial proposition not being settled, he thought such a statement might be dispensed with. He was not master of time and tide; he could not regulate the discussions of the House, and had been prevented by the debates on the income tax—a most important subject certainly—from bringing forward the subject of the tea duties sooner. The practical question now was, whether they would have the speech of the Minister, or their tea admitted at a lower duty? He was not so bold as to think that the commercial world would rather have a speech from him, than the tea which was locked up in bond liberated. There was a choice of difficulties, and, though he was quite ready to make a statement, he was altogether unwilling to oppose the progress of the business of the House on this subject. The right hon. Gentleman must recollect that in his financial statement he (the Chancellor of the Exchequer) had detailed all that the Government had to state upon the question. He then stated, as exactly as the nature of the subject admitted of, the amount of revenue expected in consequence of the change; and, with regard to China, he mentioned that, while it was in a state to inspire discomfort and apprehension as to the future supply of tea, there was nothing positive to regulate their knowledge on the subject. But, again, the right hon. Gentleman should recollect that he himself had placed this question almost beyond the possibility of debate. The measures taken by the merchants in consequence of the financial statement of the right hon. Gentleman himself, when Chancellor of the Exchequer, combined with the state of public opinion generally, were of such a character that very little choice lay with the Government as to the course which they should take. He agreed with the right hon. Gentleman that discussion in that House was a very good thing; but considering the great inconvenience that would be caused by delay, he had no difficulty as to the alternative which he ought to choose.

MR. MASTERMAN said, he must express his satisfaction with what had fallen from the Chancellor of the Exchequer. It was much more convenient to take the course he had proposed, than to keep the trade of the country in suspension by making speeches. If the Members of that House generally were as much mixed up with commercial matters as he was, they would see the importance of passing this measure without delay, and would deprecate all unnecessary speechmaking.

MR. DISRAELI: If my hon. Friend who has just spoken had been a teetotaller, which I am sure he is not, he could not have made a better speech on behalf of the Chancellor of the Exchequer. The answer of the right hon. Gentleman, if a correct one, would be good against their having discussion on any subject whatever. If it is understood that the moment a Minister proposes to deal with a tariff, no one is to call in question the policy he is pursuing, and is to be debarred from even asking questions regarding it, I wish to know why such questions are brought before the House of Commons at all, and not settled by the Board of Trade or by an Order in Council? The Chancellor of the Exchequer stated that he had formally given them all the information the Government possessed on this subject; but, I am bound to say it was of a very slight character indeed. He has never yet given us any detailed statement of the increased consumption; and as to the state of China, which he says he has alluded to, I must remind the Committee that there has been three or four arrivals from China since that statement was made, and that none of those important views that have recently attracted our attention to the state of China, had then been made known. Surely it is not unreasonable that the House of Commons should wish to know what opinion the Government have formed with regard to a market so important as China. No doubt in a great change of this kind, the convenience of the trade should be considered; but surely it is not to be considered at the expense of all discussion whatever. I therefore make the reasonable request that this Resolution should be now postponed, to be brought on again on some early day—the first on which they should again meet, if the right hon. Gentleman pleased.

LORD JOHN RUSSELL: I cannot speak, Sir, with the same weight or authority as does my hon. Colleague (Mr. Masterman), knowing, as he does, the feelings and opinion of the City of London; but I quite agree with him in the conclusion to which he has come. Nor do I think he has in the least exaggerated the state of the question. I was under a delusion up to this moment, that if there were any one thing in the whole financial scheme of the Government upon which the House of Commons was agreed, it was the reduction of the tea duties. Why, the right hon. Gentleman (Mr. Disraeli) himself proposed to reduce the tea duties to a similar extent. My right hon. Friend the Chancellor of the Exchequer proposed to reduce the tea duties to 1*s.* per pound; and up to this moment not one word was said against that proposal. This is the first period at which the question could properly be brought before the House in this form; for it could not be proposed until the income tax had passed through Committee. But, after all we have heard, I now ask, does the right hon. Gentleman oppose the proposition of my right hon. Friend? He says he likes discussion and debate; but discussion and debate, however good things they may be, are, I think, not to be preferred where the material interests of the nation are concerned, especially where discussion and debate are not founded on any solid grounds of opposition. As to the mode in which the consumption of tea may be increased or diminished, and the present state of China, whatever is said upon those points must be to a great extent speculative. [The noble Lord then referred to a passage in the Budget-speech of the Chancellor of the Exchequer, in reference to the tea duties, and proceeded to say:] Undoubtedly my right hon. Friend might have ventured a little more into detail, had the debate on the income tax been closed at an earlier period of the evening; but, after all, the question for the Committee to decide is, will they incur the proposed loss of revenue? Are you prepared to make those remissions? As to China, anything which may be said about the progress of the civil war in that country, must be still more conjectural than as to the amount or extent of consumption of tea. However, so far as we can learn, the march of those engaged in the insurrection does not seem to be accompanied by plunder and devastation, which often takes place in lines of march; nor does there seem to have been that interference with the pursuits of industry which might have been feared. The apprehended success of the insurrection, so far as I can learn, has not very materially interfered with the industry of the Chinese population. The real question, I repeat, is, whether the right hon. Gentleman is opposed to the reduction of the tea duty or not? If he declares he is, I will yield to him at once, and consent to a postponement; but, if not, I trust we may be allowed to proceed.

Mr. DISRAELI: Sir, the noble Lord has anticipated the purport and effect of the observations I made, in a very disingenuous spirit, and in a manner which, I must say, is not favourable to the independent Members of this House. I do not think I was bound to say I opposed the reduction of the tea duties. [*Ironical cries of* "Hear!"] The hon. Gentleman is quite at liberty to indulge in that intelligible sneer, and I advise him to confine himself to that peculiar style of oratory, in which, I think, he is pre-eminent. The noble Lord says he cannot tell us what is taking place in China. Why, I believe the noble Lord finds some difficulty in stating what has taken place in Constantinople. Of course, it would be difficult for him to say what is, or what has, or what may occur in China—a question which he was not asked to answer. The late Government, however, felt it to be its duty to endeavour to obtain the best information they could upon such subjects as this now under discussion, and to state that information to the House. The noble Lord said the right hon. Gentleman (the Chancellor of the Exchequer) had given us all the information that was necessary, and he quoted five lines of his speech, which he seemed amazed at our not remembering, though it was part of a speech of five hours' duration. But still the Chancellor of the Exchequer has not given us any estimate as to the expected increase in the consumption of tea—

The CHANCELLOR of the EXCHEQUER (*pointing to the Resolution*): There it is.

Mr. DISRAELI: The right hon. Gentleman has not told us how many millions of pounds will be the probable increase of consumption during the first year.

The CHANCELLOR of the EXCHEQUER: The common rules of arithmetic will inform the right hon. Gentleman.

Mr. DISRAELI: The statement of the right hon. Gentleman upon such a subject ought to be clear, plain, and explicit, and to leave no occasion for the application of the rules of arithmetic. It is a question which affects some millions of the revenue of this country, and the statement ought to be put before the Committee in an intelligible and business-like manner. The right hon. Gentleman and the noble Lord admit that, but for the lateness of the hour, a more detailed statement would have been made. Sir, that is my vindication, and a sufficient vindication for the course I feel bound to take. The manner in which the noble Lord asks me, do I oppose the proposal, or do I approve it, is not an ingenuous manner, for though the late Government proposed a remission of the tea duties as great as that of the present Government, it did not propose to confine its operations within so short a period; and the recent news from China certainly does not seem to justify the limiting of the reduction of the tea duties to half the term proposed by the late Government. I think, Sir, we are entitled to have a full and fair opportunity of expressing our views and opinions upon this important subject;—and I must say I do not think our request has been met in the fair spirit in which it ought to be received. The same feverish haste was evinced with respect to the financial proposals of the right hon. Gentleman. It was said there was a perfect fever in the City. I do not know whether the hon. Colleague of the noble Lord was prepared upon that occasion to vouch for the statements of the Government with the same zeal and promptitude he has done upon this; but the Committee must remember how it was pressed to avoid delay in the adoption of the proposals with respect to the 2½ per cents, and the 3½ per cents, and the Exchequer bonds; because there was such heat and fever in the country, that there could not be any delay. If the right hon. Gentleman had on the first occasion made a business-like statement, and permitted him (Mr. Disraeli) to vindicate the policy he had recommended, he would only have done that which the spirit of justice of the House of Commons would have approved of, and would have taken a course more creditable to his Government than that which he had now pursued.

Lord ADOLPHUS VANE said, he should move that the Chairman report progress. He thought that his right hon. Friend the Member for Buckinghamshire (Mr. Disraeli) was unfairly treated by this question of the tea duties being brought on at a quarter-past one in the morning.

The CHANCELLOR of the EXCHEQUER said, if the noble Lord persevered in his Motion, the Government were bound by their pledge not to oppose it; but they thought it their duty to avoid procrastination in passing these Resolutions. The right hon. Gentleman (Mr. Disraeli) had not chosen to demand delay, but he had thrown on the Government the odium of refusing it. He regretted extremely that they could not proceed, but he was bound not to force on the Resolution.

Lord ADOLPHUS VANE begged to explain that he had no wish to obstruct the Government, nor any intention of taking part in the debate upon this question. He had suggested the delay out of fairness, and would like to hear the Chancellor of the Exchequer explain his proposition.

Mr. DISRAELI said, he thought that the Chancellor of the Exchequer had been somewhat wanting in courtesy to hon. Gentlemen on that side of the House in not bringing forward the proposition in a manner that would afford an opportunity for fairly discussing it. The Chancellor of the Exchequer seemed to complain that he (Mr. Disraeli) wished to delay the Resolutions without pledging himself to oppose them. It would, however, have been perfectly open to him to say he would oppose the Resolutions; and of course the Chancellor of the Exchequer, after the general engagement he had made, would not have pressed them to-night; but he (Mr. Disraeli) would not himself oppose the Resolutions, or offer any obstacle to their passing. He hoped, therefore, that his noble Friend (Lord A. Vane) would withdraw his Motion.

Lord JOHN RUSSELL said, if the Committee now agreed to the Resolutions respecting tea, he hoped they might be reported to-morrow. Of course, he had no right to ask hon. Gentleman who had Motions on the paper to postpone them; but at the same time he might say, that it was most desirable to obtain a decision upon these Resolutions at the earliest possible period. He could assure the Committee that there was no wish to prevent the discussion of the Resolutions relating to tea; but communications had been made to various Members of the Government, and especially to the Chancellor of the Exchequer, during the last week or ten days, representing that it was most important to the interests of trade and commerce that a decision on this subject should not be longer delayed.

Mr. T. BARING said, he believed that since the Chancellor of the Exchequer submitted his financial propositions to the House, there had been a sensible rise in the price of tea. He wished to know whether this circumstance might not affect the calculations upon which the right hon. Gentleman had founded his measure. He presumed the right hon. Gentleman's calculation as to the revenue to be derived from tea was founded upon an increased consumption consequent upon a falling price. He (Mr. Baring) doubted whether the consumer would derive the benefit that was expected from the proposed change, and whether there would be such an increase of consumption as would realise the expectations of the Chancellor of the Exchequer. He thought it would have been better to make at once a greater reduction, and to leave any further reduction for future consideration.

The CHANCELLOR of the EXCHEQUER said, there had been no change in the condition of the tea market since his statement was made, which had materially altered the calculations upon which he based his proposal.

The Motion for reporting progress was then *withdrawn*, and the Resolutions were *agreed to*.

House resumed; Committee report progress.

HACKNEY CARRIAGES BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the Third Time."

Lord DUDLEY STUART said, he must object to proceeding with a measure which involved the interests of so many persons at that late hour, and should move that the Bill be read a third time on Thursday.

Mr. W. WILLIAMS seconded the Motion for the postponement of the Bill.

Amendment proposed, "To leave out the word 'now,' and at the end of the Question to add the words 'upon Thursday next."

Question proposed, "That the word 'now' stand part of the Question."

Mr. FITZROY said, he should resist the proposition for the adjournment, because hon. Members would be exactly in the same position two days hence, with regard to the Bill, as they were now.

Viscount GALWAY said, he thought the proposition for postponing the Bill was reasonable.

Viscount PALMERSTON said, the result of the proposed delay would be to throw the Bill over to the end of the Session.

Mr. BROTHERTON said, he had been more indulgent than usual in allowing the House to sit to so late an hour. He was now under the necessity of moving that it do now adjourn.

Motion made, and Question proposed, "That this House do now adjourn."

Lord ADOLPHUS VANE said, he hoped both the hon. Members would consent to withdraw their separate Amendments. The feeling in the House and out of doors was one of gratitude to the hon. Member for Lewes for dealing so ably with a very complicated question.

Sir GEORGE PECHELL trusted the hon. Member (Mr. Fitzroy) would allow nothing to interfere with the progress of the Bill.

Lord DUDLEY STUART would not object to the third reading, on the understanding that the Amendments might be considered in the last stage of the Bill.

Mr. FITZROY said, if the House was in favour of postponing it until this day, he would not object to that course.

Motion, by leave, *withdrawn.*

Question again proposed, "That the word 'now' stand part of the Question."

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read 3°.

Further proceeding on Third Reading *adjourned* till *To-morrow.*

The House adjourned at Two o'clock.

HOUSE OF LORDS,

Tuesday, May 31, 1853.

Minutes.] Public Bills. — 2ª Alteration of Oaths; Burial Grounds.
Reported.—Sales of Bullion.

CONVERSION OF STOCK—FUNDS IN CHANCERY.

Lord ST. LEONARDS said, he wished to call the attention of his noble and learned Friend on the woolsack (the Lord Chancellor) to the same subject as that upon which he put a question to him yesterday, namely, the effect of his recent order with reference to the conversion of stock belonging to suitors in the Court of Chancery. He understood, that under the Act of Parliament his noble and learned Friend had directed that suitors who had not elected to have money before the very day appointed for signifying their wish, should take the 2½ per cent stock at 110*l.* Now, the time allowed to persons to make their option was decidedly too short, and very many persons entitled to hundreds and thousands of pounds would not have a proper opportunity, or indeed any opportunity at all, of making the election which had been tendered to them. If the noble and learned Lord's order, therefore, remained unrepealed, the effect would be that, not only would the interest on the money belonging to those persons be reduced 5*s.* per 100*l.*, but their capital would be reduced at least 7 per cent. The rate of interest in the market at the present moment was 3 per cent, and it was obvious, therefore, that if the funds belonging to Chancery suitors should be invested in the new 2½ per cent stock, a loss would accrue both upon the interest and the capital. The Chancellor of the Exchequer had entirely failed in his scheme, because he had misunderstood the rate of interest in the market. He had evidently supposed that the rate of interest in the market was 2½ per cent, whereas in point of fact it was 3 per cent, and hence the scheme of the right hon. Gentleman had failed. At this moment the Consolidated Annuities and Reduced Annuities were selling below par, so that 100*l.* of money would pay 100*l.* 3 per cent stock with an actual profit over, including the accruing dividend. It was quite clear, then, that nobody in his senses would take the 2½ per cent stock who could get the money instead. If the order of his noble and learned Friend, therefore, was carried out, the loss to the suitors would be inevitable, and they would have deep reason to complain, and no doubt would complain of it.

The LORD CHANCELLOR said, he could only repeat what he had said yesterday. He had never felt so incompetent for anything in his life as to know what course to take in respect to the suitors in this matter; he had accordingly taken the best advice he could get. That very day he had seen the broker of the Court of Chancery and the Accountant General on the subject; and he could not help believing, from the information conveyed to him, that his noble and learned Friend must be labouring under some mistake with respect to the value of investments in the 2½ per cent stock. He had given directions to the broker of the Court of Chancery to ascertain, as well as he could, what was its value in the market. Some of it had been sold, and the broker had brought him a list of the prices, which, however, were merely "nominal," as they called them on the Stock Exchange—there not having yet been sufficient for a general quotation—but, as nearly as he could estimate, the value of the stock at 2½ per cent was from 90*l.* to 92*l.*, and the 3½ per cent stock 120*l.* That being so, it was quite true that if the 2½ per cent stock was selling at 90*l.*, 100*l.* in money would be better for the suitor; but if it rose to 91*l.* or 92*l.* it would be a better speculation than getting the money. His noble and learned Friend must also be mistaken in assuming that there would be a loss on the capital of 7 or 8 per cent; for it was quite clear that some of the stock had been taken; but none of it would have been taken by the brokers if there had been a loss of 8 or 9 per cent. As he had stated yesterday, he had adopted the course which had been followed by all his predecessors—namely, that of taking the lowest species of stock. He would just state to the House what had happened. There stood, to the credit of the suitors in the Court of Chancery in South Sea Annuities, and other minor stock, a sum of 469,000*l.* He had made an order that any party who wished to have money, or any of the different species of stock which was offered, should apply immediately. Only two applications, however, had been made—one to take money, and the other to take the 3½ per cent stock; but the two sums together did not amount to more than 9,000*l.*; so that there remained 460,000*l.*, with respect to which no application had yet been made. He did not disguise from his noble and learned Friend that it was probable the circumstances of the case had not yet reached the minds of many of the suitors; but the matter did not rest here, for the Accountant General's chief clerk, Mr. Parkinson, had told him that he had had a great number of applications from solicitors for different suitors to know exactly what the effect of his (the Lord Chancellor's) order was, and saying that they wished to have the 2½ per cent stock; so that these parties were passive on the subject. With respect to the 460,000*l.* which remained undisposed of, he had desired the Accountant General not to signify his assent to its conversion until Friday next, the last day for signifying assent or dissent, and to let him know on Thursday evening what was the then state of the market. If by any chance there should then be a material alteration of the funds for the worse, he would revoke his order.

Lord ST. LEONARDS still believed he was strictly correct in his calculations, for which he had the authority of, among others well qualified to speak on such subjects, one of the first bankers in London, who assured him that morning it was a perfectly settled point in the City that the loss of capital upon the 2½ per cent stock would be at least 7 per cent. His advice to Chancery suitors was to take their 100*l.* in money, and invest either in the consolidated or reduced annuities, rejecting, like sensible men who knew their own interests, the 2½ per cent stock.

ALTERATION OF OATHS BILL.

Order of the Day for the Second Reading read.

Lord LYNDHURST, on rising to move the Second Reading of the Bill, said: As I understand, my Lords, that there exists very great and absurd misapprehension with respect to the object of this Bill, I am desirous of explaining its nature and the purpose which it has in view. The object of the Bill is simply this—to strike out of those oaths which parties are bound to take as qualifications for a seat in Parliament, and for holding certain offices, such parts of them as are inoperative, as are idle, and as are, I may say, absurd. My Lords, no well-founded objection can be taken, I apprehend, to such a course of proceeding. Some of my noble Friends near me state that they do not understand precisely what the Bill means. I will state it to your Lordships in a very few words, and with as much plainness and simplicity as I can. My Lords, the oaths that are required to be taken as a qualification for sitting and voting in Parliament, and for holding certain offices, are in number three. The first is the oath of allegiance, the next the oath of supremacy, and the last the oath of abjuration. With respect to the oath of allegiance, nothing can be more plain and simple than its language; it is coeval with the common law of the country; and, as was observed by Lord Hale, it is not entangled with any clause or declaration; its meaning is obvious to the most plain and common understanding, and it embraces the whole duty of the subject to the Sovereign. I can have no desire or intention whatever, therefore, to alter the terms of that oath. In respect to the oath of supremacy, that oath owes its origin to the reign of Elizabeth, being dated in the first year of her reign. It underwent no change till the first year of King William III., when it was altered into the form in which it has continued down to the present time. That oath was directed against Roman Catholics. This is quite obvious from the history of the period at which it was framed. It is obvious also from the terms of the Act in which it is contained; for, reading the different clauses and provisions of that statute, it is impossible to doubt that the Legislature, in passing it, had the Roman Catholics solely in view. More than that, my Lords, it is obvious from the oath itself. It consists of only two clauses or provisions. In the first, the party is made to declare that, from his heart, he abhors, detests, and abjures, as impious and heretical, that damnable doctrine and position that princes, excommunicated or deprived by the Pope or any authority of the see of Rome, may be deposed or murdered by their subjects or any other whatsoever. That is the first clause of that oath. No person can suppose for a moment that any Protestant entertains such opinions; but it is obvious and notorious that they were imputed to Roman Catholics — whether justly or not, it is not for me to state. It is quite clear, therefore, that that part of the oath was directed against Roman Catholics, and against Roman Catholics only. With respect to the second clause in that oath, it states that no foreign prince, person, prelate, State, or potentate, hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm. That was an opinion of the Roman Catholics. It is their opinion, even at this day; but no Protestant entertains such opinions, or ever did. It is quite obvious, therefore, that that part of the oath also was directed against Roman Catholics, and against Roman Catholics only. So that, according to the history of the period to which I have referred when the oath was framed, according to the language of the Act of Parliament which contained it, and according to the provisions of the oath itself, it is quite clear that it was not directed against Protestants, but solely against Roman Catholics. That being so, my Lords, how extraordinary it is that that oath should have been abrogated so far as Roman Catholics are concerned—no Roman Catholic being now required to take it—while for Protestants it is retained! We are in this singular position, that an oath which was framed for the purpose of being applied to Roman Catholics, is repealed so far as they are concerned, and is kept in force only against those to whom it never was intended to apply. As far, then, as Protestants are concerned, I contend that this oath ought no longer to be required. But I do not rest the case here with respect to the oath of supremacy. I am bound to say, if we are to interpret oaths according to the rule which I think is applicable to them—namely, according to the plain ordinary understanding of the words, I am bound to say that this oath contains that which at this moment is not true. From the moment that we recognised the Roman Catholic religion to the extent we do now, from that moment we admitted that the Pope had spiritual authority in this realm. The spiritual authority of the Pope is part of the Roman Catholic religion. It is blended with it. It cannot be separated from it, and you yourselves, in abolishing that oath of supremacy for the Roman Catholics, and substituting another oath for them, have constructively admitted that which I have now stated. This being so, then, the oath cannot be applied in its present terms without a qualification, and we are obliged to resort to that which we reprehend in Roman Catholics. We are obliged to qualify it, and are obliged to apply to it mental reservation. When we swear that no foreign prince has any spiritual authority in this realm, what is it supposed to mean? It means that he has no spiritual authority that can be enforced in a court of justice; and those, or some such words, we are obliged mentally to supply. We are compelled, therefore, to resort, as I have already stated, to what we condemn in Roman Catholics—namely, to qualify, by mental reservation and explanation, the terms of the oath. I repeat, however, that every oath ought to express in plain and distinct terms, without requiring any qualification, the fact which it contains. That a foreign prelate has spiritual jurisdiction in this realm, no man who looks to the history of the events of the last ten years can possibly deny; and that spiritual authority is of the most stringent kind. It is not to be enforced in a court of justice, indeed; but in a manner equally stringent, and perhaps more so, than any decision of a court of justice—I mean by withholding the rites of the Church, which are considered by Roman Catholics as essential to salvation. What more powerful instrument of compelling obedience can be adopted than this? As I have stated, it is much more stringent even than any decision of any court of justice. But we have had a practical proof of this, not only of spiritual authority exercised, but to such an extent as to trench even upon temporal authority. I may appeal for this purpose to many circumstances which your Lordships must have observed in England, and particularly in Ireland; but I shall refer to but an individual instance. I allude to what is called the case of the "Godless Colleges," where we had an exercise of authority encroaching even on the temporal power. Having stated this, allow me to say, that the objections which I am now urging against this oath, did not apply at the time of its original framing. At that period the Catholic religion was not tolerated. Attempts were made to remove it from society. The most severe penalties were imposed by the very Act of Parliament to which I have referred. No persons were allowed to say mass. Every individual was bound to attend the service of his own parish church, and no communication whatever was allowed to be held with the Pope of Rome. At that period it might very well be said that no individual could exercise the rites of the Romish Church except in strict secrecy and privacy, and in a manner not accessible to the knowledge of the Government of the country. At that period, therefore, the Pope of Rome may correctly be said to have had no authority whatever in this country. I mention these facts to show that at the period when this oath was originally framed, the objections I have urged against it did not apply. In further support of the application which I make for the abrogation of this oath on the ground of its being inapplicable, idle, and inoperative, as far as Protestants are concerned, I may appeal with confidence to the right rev. Bench, for whom I entertain the greatest possible respect, whether to call the Almighty solemnly to witness an idle and useless ceremony is not contrary to the principle of our religion, and directly at variance with the language of the Scriptures. I should say—

> "Nec Deus intersit, nisi dignus vindice nodus"

is an axiom not confined to poetry alone, but extending also to religion and politics. I think I have stated enough, then, to satisfy your Lordships that, as far as Protestants are concerned, the oath of supremacy ought no longer to be enforced. I come now to the oath of abjuration. That oath was notoriously framed upon the model of the oath of allegiance, which was enacted in the third year of King James I., after the discovery of the Gunpowder Plot, and the conviction of the offenders. It bears date the 13th year of King William III. The occasion was the proclamation of the Pretender by the King of France as King of England, and the oath is confined altogether to the exclusion of the Pretender from the Throne. It sets forth that the Pretender has no right or title to the Throne of England, and that we abjure all obedience and allegiance to him. That is the substance of the oath of abjuration, stated shortly. That oath was, from time to time, as circumstances changed, varied in its form. It was altered upon the accession of Queen Anne. It was altered, also, upon the Union with Scotland. It was afterwards altered upon the accession of George I.; and, lastly, after the death of the old Pretender, it was altered in the 6th year of George III., in order to adapt it to the new state of things, and then it was applied to the descendants of the Pretender. So you perceive it was varied from time to time in order to adapt itself to the new state of facts; and it is reasonable, to suppose that, when the whole line of the descendants of the Pretender had become extinct, following former precedents, this oath ought to have terminated also. To take it now, there being no person to whom it can apply, is an idle mockery and an obvious absurdity. If any person were to go voluntarily into any company, and were to say, "I do sincerely and in my conscience, before God and the world, declare that none of the descendants of the late Pretender"—there being no such persons in existence, and no possibility that such persons should have come into existence—"have a right to the Crown of Great Britain, and I abjure all obedience to them and any of them; and all this I state in the true and lawful sense of the words, without any equivocation, mental evasion, or secret reservation whatsoever; and all this I do upon the true faith of a Christian"—why, my Lords, I say if any person were voluntarily to go into any society, and make such a statement, it would be considered that he was a person who ought to be put under some restraint. Yet daily do we see noble Lords come to this House, stand at that table, all business seems suspended, and my noble and learned Friend upon the woolsack, assuming additional gravity with the occasion, hears that statement made, not voluntarily, but by compulsion—not only stated but sworn to, and the Almighty called to witness it. I am sure that your Lordships cannot for a moment sanction such a mockery when once it is brought under your attention. My Lords, there is an addition to that which I have stated, an extension I may call it of the oath of allegiance, and I refer to it in order to show how unnecessary it is, because I propose to strike out every part of the oath to which I have referred except that which relates to the succession of the Crown as fixed by the Act of Settlement. This is sufficient to maintain the Protestant succession, and this I preserve because I conceive that no greater calamity could befal this country than that the crown of this country should be placed upon the head of a Roman Catholic. I may be allowed, in consequence of the unfounded observations which I have heard made with respect to this Bill, to refer to the fourth clause. It is supposed that by that clause members of the Jewish religion may be able to introduce themselves into the House of Commons; and I have been attacked in various shapes as if I had proposed this clause with that intention. Now, in the first place, I should not feel myself justified in attempting to do by a side wind what I could not do openly; but no lawyer can read the clause and suppose for a moment that under it any member of the Jewish religion can go into the House of Commons and take the oaths contained in this Bill. Why, at this very moment the words "on the true faith of a Christian" are not contained in the affirmation of the Quaker, neither are they in the Catholic oath; yet if a person of the Jewish persuasion were to go into the House of Commons and take an affirmation in the one instance, or the Catholic oath in the other, it would be a mere nullity, and he would be just as liable to a penalty if he sat in that House after taking that affirmation or oath as if he had taken the ordinary oath for Protestants. I admit that that particular clause is copied from a Bill laid on the table of your Lordships' House three or four years ago by a noble Friend of mine; and that there are some general words in it which might have allowed Moravians and Separatists to sit in the House of Commons. But as I do not wish in any way to alter the class of persons who are to enter that House, I should propose to strike out those general words in Committee, and to confine the Bill, as now, to Quakers only affirming in the manner described by the Act. I have been asked why I have not extended this Bill to Roman Catholics. The answer which I have given to that question has been very short and pithy. I have said that I am anxious this Bill should pass, and that I do not wish to entangle it, therefore, with any other matter that might render it difficult to pass. That is the simple answer which I have given. If any noble Lord thinks it right to alter the oath as administered to Roman Catholics, it is perfectly competent to him to bring in a Bill for that purpose at any time; but I have not thought it right to encumber this Bill with any attempt of that nature. I have been asked, also, to strike out the words "on the true faith of a Christian." My answer to this has been —I am bound to respect the decision of this House with respect to the measure that has been lately brought under their consideration. I cannot strike out those words, because, if I strike them out, there is no chance of my passing this Bill. I yield to necessity on this occasion; at the same time I must be allowed to say, having voted in the minority upon the decision to which I have just referred, that in yielding to this necessity, it is against my own convictions. I may be permitted, in justification of myself, to state very shortly the grounds of that conviction, so far as regards these words. The history of the introduction of these words into the oath, which is rather curious, may not be known to all your Lordships, at least in its details, and I will, therefore, give you an account of it as briefly as I can. After the discovery of the Gunpowder Plot, in the third year of James I., a search was made in the chamber of Francis Tresham, one of the conspirators; in that search a manuscript was found, entitled a *Treatise on Equivocation*, which had been altered in many places by Garnett, Superior of the Jesuits, and which was marked with the *imprimatur* of Blackhall, at that time archpriest of the Roman Catholic Church. This manuscript, after having been made use of on the trial of the persons implicated in the plot by the Attorney General of the day, afterwards passsed through the hands of Archbishop Abbot and Archbishop Laud into the Bodleian Library at Oxford; and after having been for a long time lost sight of, has been recently brought to light, and published with a suitable preface by Mr. Jardine, and is a publication worthy of your Lordships' perusal. In the fly-leaf were three or four lines written by Sir Edward Coke, at that time Attorney General, and who prosecuted in the case. The object of the treatise is to show how the obligation of an oath may be avoided. In one of the chapters the doctrine is laid down, that, if a question is put to you which you think you are not in conscience bound to answer, you may answer the question with words uttered aloud, but at the same time qualify those words with other words uttered mentally, which taken in connexion with the words which were uttered aloud, will prevent your taking a false oath. Thus, if a magistrate, say, asks, "Were you in London at such a time?" you may say aloud, "I was not in London," and swear to it, but at the same time you may add mentally, "not for an improper purpose;" which mental reservation will save you from a false oath. It is remarkable, my Lords, that in the *Letters of Pascal* he ascribes to the Jesuits precisely the species of equivocation which we have here laid down as a principle of the Catholic Church in the handwriting of the Superior of the Jesuits. It was expected that the words "upon the true faith of a Christian," if added to the oath, would operate so powerfully as to prevent Catholics from taking such an oath if there were any intention of violating it on their part. Now, it is remarkable that it was in the very year in which the *Treatise upon Equivocation* was discovered that the words "without mental reservation and upon the true faith of a Christian," had been added to the oath of abjuration. There could be no doubt, therefore, that when that Act of Parliament was framed, the Attorney General, Sir Edward Coke, was in possession of the treatise in question, and had carefully studied its contents, and had inserted these words, with a view to rendering the form of oath as binding upon the members of the Roman Catholic persuasion as it was possible to make it. There can, therefore, be no doubt whatever that these additional words of precaution were inserted with a view to the Roman Catholics; that they were introduced, not as a test of Christianity, but solely for the purpose of rendering the oath more binding on the Roman Catholics. It was a remarkable circumstance, too, that the oath of abjuration had been framed upon the model of the oath of allegiance, and the concluding words of the latter oath had been taken from it and added to the oath of abjuration. To apply, therefore, these words "on the true faith of a Christian" to persons of the Jewish persuasion was absurd. They had never been intended to apply to that people, and could never have been intended to apply to them, seeing that the Jews had been banished from England for 400 years previously, and did not return to England till many years afterwards? The application of the words to these persons appears to be altogether extraordinary. The subject to which I was calling your Lordships' attention has been maturely weighed and deeply considered by the learned Judges who decided upon the case of Alderman Salomons—a case which was argued at great length and much learning in the Court of Exchequer; and I wish to call your Lordships' attention to the opinions which were advanced by those learned personages on that interesting trial in connexion with that point. I will first observe, however, that to say that if the oath of abjuration—although it was framed for the purpose which I have stated, namely, to place greater restrictions upon the Roman Catholics—had not been called into existence, some direct Act of the Legislature would have been passed dealing with the case of members of the Jewish persuasion, is a position which is untenable. It is a remarkable fact that during the reign of William III. there was no attempt whatever made to introduce any such measure, although during that period there was nothing to prevent Jews from taking a seat in the House of Commons. I am ready to admit that at a subsequent period, when the position of the Jews in this country was not rightly understood, and when they were considered as aliens, any member of that persuasion endeavouring to obtain a seat in the House of Commons might have been excluded by some positive enactment upon the part of the Legislature of this country. No such Act, however, at any period of our history had been passed into law, and Jews are excluded at the present day from a seat in Parliament merely by the operation of the oath of abjuration. I will now proceed to refer to the opinions of the learned Judges as delivered in the case of Alderman Salomons. One of these learned Judges (Mr. Baron Martin) said—

> "At this time there was no oath or declaration required which would have prevented a Jew from sitting and voting in Parliament; and I observe nothing whatever in the Act which has any tendency to show that the Legislature desired or wished to exclude them. The whole frame of the statute is directed against persons opposed to the new limitation of the Crown, and who were truly believed to be principally Christians of the Roman Catholic religion; and I think the words 'upon the true faith of a Christian' were inserted in the oath, not as a test of Christianity, but for an entirely dif-

ferent object—namely, for the purpose of framing an oath in a form the most effectually binding upon the consciences of the Roman Catholics."—21 *Law Journ. Rep. Excheq.* 183.

Another of the Judges, for whom I entertain the highest respect, a person of great learning, of great acuteness, of great soundness of judgment—I mean Mr. Baron Alderson—expressed himself in these words :—

> "I do most seriously regret that I am obliged, as a mere expounder of the law, to come to this conclusion—for I do not believe that the case of the Jews was at all thought of by the Legislature when they framed these provisions. I think that it would be more worthy of this country to exclude the Jews from these privileges (if they are to be excluded at all, as to which I say nothing) by some direct enactment, and not merely by the casual operation of a clause, intended apparently in its object and origin to apply to a very different class of the subjects of England."—*Ibid.* 190.

In another passage of Mr. Baron Martin's judgment, he said—

> "A construction the other way excluding Jews from sitting and voting in Parliament, not by a direct and intentional legislative Act, but by an unforeseen and unintended application of a few words inserted in an oath with an entirely different object, is not in accordance with what I consider to be the principles and practice of the law of England."—*Ibid.* 184.

In that principle I entirely concur; I go further, and I say, that it is utterly against the principle of the constitution to exclude the Jews from Parliament on any such ground. I say that it is the mainspring of our glorious constitution, that no British subject, no natural-born subject of the Queen, ought to be deprived of the rights enjoyed by his fellow-subjects unless he has committed some crime, or unless he is excluded by some positive enactment of the Legislature directed against him or against the class to which he belongs. That is the true principle of the constitution; and, such being the case, these persons can only rightly be excluded by the concurrent voice of the two Houses of Parliament and with the assent of the Crown. If you exclude them by the casual operation of a clause which was never directed against them, or against the class to which they belong, you unjustly deprive them of their birthright. I say, then, my Lords, that if I retain these words, "on the true faith of a Christian," in my Bill, I retain them entirely *ex necessitate,* and entirely against my decided conviction on the subject. My Lords, I beg to move the second reading of this Bill.

Moved—That the Bill be now read 2^a.

The Question having been put,

Lord Lyndhurst

The EARL of DERBY: My Lords, I had expected that some of the noble Lords opposite connected with Her Majesty's Government would have favoured your Lordships with some observations on the question brought forward so eloquently by my noble and learned Friend. But as none of those noble Lords seem inclined to take any part in this discussion, I cannot help calling your Lordships' attention to the circumstances under which this Bill has been introduced. It is not my wish to offer any opposition to the second reading of it, for by assenting to the second reading of this Bill, I apprehend I am assenting only to the principle that this House is ready to amend those oaths which are necessary to be taken by Members of this and the other House of Parliament; and by doing that, I apprehend that I do not pledge myself to assent to the specific alterations proposed by my noble and learned Friend with his usual zeal and ability. With regard to those oaths themselves, I am perfectly ready to admit that there are portions of the language of those oaths which it might be desirable to alter, and that there are other portions which are mere surplusage, and ought to be omitted. But, though I consider there are some words in the existing oaths and some language which I admit it might be desirable to alter or omit, I do not go along with my noble and learned Friend in thinking that the alterations he proposes to introduce, are the most suitable for the purpose intended. My noble and learned Friend does not propose to alter or vary the oath of allegiance, but he does propose to alter the oath of supremacy. According to what we know with regard to the working of that oath, some of your Lordships have entertained scruples—scruples which, in the cases of two of my noble Friends, I am happy to say, have been overcome. I am prepared to accept of amendments in those oaths, but I do not admit the doctrine of my noble and learned Friend; and, indeed, I was surprised to hear him state such a doctrine, namely, that as soon as you admitted Roman Catholics into Parliament, you had by that admitted the spiritual authority of the Pope in this country. I always understood that, by the oath in question, all that was intended, and all we do swear, is this—we do not swear that the Pope does not exercise over those who chose to submit their consciences to him an amount of spiritual authority—but what we declare by our oath is, that we do renounce such spiritual authority on the part of the Pope in this country. And, with great respect to my noble and learned Friend, I am very unwilling—more especially in those days, and looking at the *animus* which seems to actuate the See of Rome, and the encroaching spirit of that Church—I should be unwilling to omit from the oaths of Protestant Members of this and the other House of Parliament their solemn protest against the assumptions and the aggressive demands of the See of Rome; and though I think the Roman Catholic Members are properly exempt from taking those oaths, I think it is not a matter of surplusage that every Protestant Member should record his denial of such assumptions on the part of the See of Rome. I do not object to leaving out of the oath the words renouncing allegiance to the descendants of the Pretender. I believe there are some gentlemen who lay claim still to being the descendants of the Pretender; but I apprehend their claims are not of a very formidable character, and I desire to see retained that which my noble and learned Friend declares his willingness to adhere to—the declaration in the oath itself, that the succession to the Crown is limited to the present Royal Family and their heirs, being Protestants. My noble and learned Friend admits that this part of the oath should be retained; and we desire to have it recorded still that the succession to the Throne is limited to Protestants. Now, if I am not mistaken, that is the view still maintained by a very considerable number of Her Majesty's present Government; but I hold in my hand a Bill introduced by Lord John Russell last Session for amending Parliamentary representation, and I find that, for the purpose of admitting the Jews into Parliament, the noble Lord has omitted from that Bill the words which my noble and learned Friend—from necessity, not from conviction—proposes to retain; but the noble Lord carefully provides against the possible claims of any descendant of the Pretender, and against the validity of any claim on the part of the Pope, to any temporal or civil powers whatever in this country. I am quite satisfied, as I have already stated, that my noble and learned Friend has no intention, by means of this Bill, to seek to reverse the decision which your Lordships have taken on this subject. That question has been solemnly discussed and solemnly decided by a very considerable majority of your Lordships' House; and my noble and learned Friend says he retains those words in his Bill. I confess—that being the view of my noble and learned Friend, and knowing he has a very strong opinion upon the question—I confess I regret he should have prejudiced this Bill by the introduction of a discussion in favour of the admission of the Jews to Parliament, and thereby showing that the words he proposes to retain ought to be struck out. The noble and learned Lord says he retains those words for the sole purpose of facilitating the passing of this Bill. That can only apply to the passing of the Bill through your Lordships' House; because he must be perfectly aware that, from the unfortunate disagreement which exists between the two Houses on this subject, the retention of those words would give the Bill no additional facilities in the other House; in fact, the omission of those words would be a very great temptation to a majority in the other House to pass the Bill. Now, I put this to the noble and learned Lord—this Bill is now introduced on the last day of May—the House of Commons have been so overwhelmed with the amount of business, that they have made very little progress with many important subjects of legislation—the great weight of business pressed upon them has been made, upon the part of the Government, an excuse—I do not say it offensively—but it has been assigned as a reason why they could not proceed with other very important matters of legislation this Session; and I want to know what security have we that this Bill being passed in your Lordships' House, and being sent down to the House of Commons, worded as my noble and learned Friend proposes, will not, if it should be taken into consideration at all, be amended by the omission of these words; and that towards the latter end of July, or the beginning of August, the Bill assented to by your Lordships, but amended in the House of Commons by the omission of these significant words, will not be brought up to your Lordships' House for the assent of those few Peers who still remain to occupy their seats in Parliament. I am not desirous of throwing any impediment in the way of a fair, impartial consideration of this subject; but I hope I shall not be thought to go too far if, looking at that which noble Lords opposite must admit is perfectly possible, I put a plain question to them as to the course which they would pursue with regard to such an amendment if it were introduced into the Bill by the other House. It is quite clear that if the Bill returns to this House at the end of the Session, amended in the manner I have suggested, it is possible it may be, Her Majesty's Government have at that time the absolute control over its adoption or non-adoption. If this Bill had been brought in at an earlier period of the Session—and I know not why it was not—we should have had full time to consider any amendments which might be made in it by the other House, in a full House; but, under the circumstances under which it is brought in, it is impossible that we can exercise that judgment. Unless, therefore, the Members of Her Majesty's Government, looking with respect to the decision to which your Lordships have already come, determine that that decision shall not be reversed by any side wind—unless Her Majesty's Government declare that they will adhere to that decision of this House—that the weight of their influence in both Houses shall be exercised for the preservation, both there and here, of those words which appear in the present Act—or, unless you are prepared to give your judgment on a second Jew Bill, in the course of the month of August—I warn you how you permit this Bill to leave your Lordships' House at this time. I do not speak on mere suspicion on this subject, because we have had lately a significant declaration from the noble Lord the leader of the House of Commons, in answer to a deputation which, I understand, went to him on the part of some of the advocates of the Jewish claims, that he was not prepared to bring in any direct measure for the purpose of rediscussing that question, but that there was a Bill for the alteration of oaths, which was about to be introduced in the other House of Parliament; and he told the advocates of the Jews that it would be prudent to see how far that Bill might be made available for the purpose of removing the Jewish disabilities—

Lord LYNDHURST was understood to disclaim having had any communication with Lord John Russell on the subject of this Bill.

The Earl of DERBY: I am not making the slightest reflection upon my noble and learned Friend's good faith. I am perfectly convinced that he has brought forward this Bill with the best possible intentions, and for the object which he

has stated to your Lordships;—but we have the declaration of the leader of the House of Commons that this Bill may possibly be perverted from the purposes which my noble and learned Friend has in view, and be made available to effect, by a side wind, that which he shrinks from doing directly in the face of your Lordships' decision. I will not offer any opposition to the second reading of the Bill. I have some objection to the words proposed in the oath; but that is a matter for consideration in Committee. I am ready to admit the propriety and expediency of in some degree amending the oaths; but I must reserve to myself the perfect liberty of taking any course which I may think fit upon the next stage of the Bill, unless we receive some assurance from noble Lords opposite—which, I think, they can have no hesitation in giving, if they are disposed to deal with this question in a spirit of fairness, and to allow to their opponents a fair opportunity of stating their own views—that they will not take advantage of the very advanced season, to smuggle a measure through the House, which has already been decided against by your Lordships. I trust they will not hesitate to say that in this House, and in the other House, they will resist any attempt which may be made to amend the Bill in the manner I have pointed out, and to pervert it from the avowed object with which it is introduced by its framer. If they will give that assurance, they shall meet, on my part, with no opposition to carry through a Bill of this kind; but if they will not give that assurance, I must be permitted to look to probable and possible contingencies—I must retain my suspicions as to the danger incurred, and I shall think it will then be better that the Bill should be postponed, and taken into consideration at an early period of the next Session.

The Earl of ABERDEEN: My Lords, with regard to the proposed alteration of oaths and declarations, I confess I think the speech of my noble and learned Friend has been so full of eloquence, and such a triumph of good sense, that it is impossible to resist his arguments in favour of his proposition. It is of course quite unnecessary for me to add a word to the statement he has made, which must carry conviction to every mind. But with regard to the assurance referred to by the noble Earl, I must say it is one of the most unusual description, one I never recollect hearing made in this House before, and one to which it would be impossible for me to accede. The noble Earl has, in the first place, totally, though unintentionally, misrepresented the statement of my noble Friend Lord John Russell. That noble Lord, as I am informed, stated to a deputation addressing him on the subject of the relief of Jews from the disabilities under which they labour, that he waited to see what the nature of the Bill was that was announced by Lord Lyndhurst—of which, at the time, he was perfectly ignorant, and the object of which was, according to common report, to affect the condition of the Jews. Therefore it was that the noble Lord said he would wait to see what the provisions of the noble and learned Lord's measure were before he gave any advice or pronounced any opinion on the subject. Now, though I regret that the noble and learned Lord's speech was not delivered some time ago, as it would have had some chance of diminishing the majority with which this House rejected the measure for the relief of the Jews which I proposed, and notwithstanding that I still entertain the desire which I then expressed for the removal of those disabilities, I am perfectly prepared to make no proposition on the subject at present. I do not wish to interfere with the progress and success of a measure so manifestly consistent with reason and common sense as is the Bill proposed by the noble and learned Lord, and I shall therefore abstain entirely from interfering with any of the provisions of the Bill. Such will be the course of the Government; but then as to what may be the consequences if amendments should take place in the House of Commons, I must unquestionably decline to give any pledge with regard to the course which the Government may think it their duty to take. I think it most unreasonable that any noble Earl should expect us to fetter down our discretion in such a way. Why is the noble Earl, who talks of inability to meet such amendments as may be made, unable to exercise the same power in opposing the amendments, as he exercised in opposing the Bill which was rejected by him and his noble Friends? At all events, he has the power—which has been used more than once—of enforcing a majority by means of proxies. Only the other night the noble Earl had a greater number of proxies exercised on his side of the House, than were exercised by Government. If his friends find it convenient towards the close of the Session to attend to their duties in this House, they can then again have recourse to the same means. I can say no more than this, that I decline to give any pledge or to fetter my discretion in dealing with any amendments that may be made in the Bill of my noble and learned Friend. As it stands, I cordially support it; and as it stands, I have no doubt the Ministers in this House will join me in supporting it.

The EARL of CLANCARTY: My Lords, I cannot allow this discussion to close without expressing my decided dissent from the exposition which the noble and learned Lord has given to your Lordships of the intent and meaning of the oath of supremacy. He has stated, and truly stated, that according to the plain understanding of the words of the oath, it affirms what is not true; and that as that is the rule by which oaths are properly to be interpreted, your Lordships are in the dilemma, when taking this oath, of having to do so with a mental reservation—doing that, in fact, which we reprehend in Roman Catholics. My Lords, it was in consequence of holding this view of the objectionable terms of the oath of supremacy, especially since the passing of the Irish Charitable Bequests Act, recognising the usages and discipline of the Roman Catholic Church, and the ranks and ecclesiastical functions of her ministers in Ireland, that I and others have objected to this oath; and that from not choosing to do that, which I now hear it stated, that every noble Lord must do who takes the oath, namely, take it with a mental reservation, I and another noble Lord, a Member of this House, were excluded from taking our seats during the last Parliament. My Lords, both in and out of this House have I formerly represented to your Lordships what appeared to me to be the anomaly of retaining an oath to be sworn at the table of the House so apparently at variance both with fact and with recent legislative enactments. I appealed to the House for an explanation of the sense in which the oath was to be understood, and to be made of practical application; but none rose to solve the difficulty. I subsequently, when the late Parliament was convened, became a petitioner to your Lordships to have the oath repealed or modified. The application was alike unsuccessful; and, lastly, I presented myself at the table of the House, and stated my willingness to take the oath, if I could be informed in what sense it was administered.

I was then answered that it was not in the power of the House to afford me the explanation I sought. Had I since continued to regard the oath as the noble and learned Lord has expounded it, I should not now have the honour of enjoying a seat in this House; but, however presumptuous it may appear in so humble a Member as myself to question the correctness of the noble and learned Lord's exposition of a great constitutional oath, I must differ with him both as to its having been in its origin directed against Roman Catholics, and as to the sense in which it is legitimately to be taken. My Lords, I believe that oaths are to be taken in the sense in which they are declared to be administered. It is undoubtedly desirable that they should be plain and unmistakable in form; but where the sense in which they are to be taken is authoritatively explained, I do not think they are to be taken in any other sense. Now, my Lords, we are not left to conjecture respecting the intent of the oath of supremacy. The same or nearly the same Parliament that originally enacted the oath, as stated by the noble Lord, in the reign of Elizabeth, only four years after its enactment, gave the following authoritative exposition of it, for which see 5. *Eliz.*, c. 1, sec. 14., as follows:—

> "Provided, also, that the oath expressed in the said Act made in the said first year shall be taken and expounded in such form as is set forth in an admonition annexed to the Queen's Majesty's injunctions, published in the first year of Her Majesty's reign; that is to say, to confess and acknowledge in Her Majesty, her heirs and successors, none other authority than that was challenged and lately used by the noble King Henry VIII. and King Edward VI., as in the said admonition more plainly may appear—which is"

(these are the words of the admonition)—

> "which is and was of ancient time, due to the Imperial Crown of the realm; that is, under God to have the sovereignty and rule over all manner of persons born within her realms, dominions, and countries, of what estate, either ecclesiastical or temporal, soever they be, so as no other foreign Power shall or ought to have any superiority over them."

Hence the oath is to be understood as no more than a declaration of the ancient and still subsisting common law of the realm. It is not directed against Roman Catholics, for it affirms no more than what was the law in Roman Catholic times; and it is, therefore, not to be held as inconsistent with the maintenance and regulation of their form of worship: it only repudiates the assumption by any foreign Power of authority superior to that of the Crown. My attention having been directed shortly before the assembling of the present Parliament to this Parliamentary exposition of the sense in which the oath is to be understood and administered, I had no difficulty in taking it; and feel that I am warranted in saying that the noble and learned Lord's exposition is incorrect. The noble Lord speaks of the anomaly of retaining the oath of supremacy for Protestants, while the Roman Catholics are exempted from taking it; but who is there so responsible for the law as it now stands, with respect to Parliamentary oaths, as the noble and learned Lord himself, who was Lord Chancellor at the time the oaths were altered for the Roman Catholics? When altering the oaths to suit the Roman Catholics, the noble Lord should have altered what he thought it was objectionable for a Protestant to be required to swear to. But, instead of that, the Parliamentary tests have since continued for a quarter of a century unchanged. Although I differ from the noble and learned Lord's exposition of the oath of supremacy, I concur with him that the oath is in form objectionable, and ought to be made as clear and simple as possible. I also think that the oath of abjuration ought to be done away with, except so far as it records the limitation of the sovereignty of this realm to the reigning family being Protestants; but so long as the Pope continues to claim a spiritual supremacy over this realm, I cannot think that it is superfluous to require as a proper test for the Members of the two great Councils of the nation that they should repudiate this pretension in the most solemn manner. I must also object to the Bill before the House, that, although not introduced with that design, it in fact would relieve Roman Catholics from having to take the oath at present prescribed for them, and consequently would deprive the Protestant religion and Protestant Government of the kingdom of the only guarantee that was required of them when their civil disabilities were removed. Roman Catholics may, if they please, at present take the oaths of allegiance, supremacy and abjuration; and they are only restrained from doing so because they do not choose to acknowledge the ecclesiastical supremacy of a Protestant Sovereign; but if this Bill were to pass, that would not be necessary; and they would be content to enter Parliament without making any express profession of religion, except that they would take the oath in common with their fellow subjects "on the faith of a Christian." I had not intended to have addressed your Lordships at this stage of the Bill; nor should I have done so, but that I felt it necessary to contradict the exposition the noble and learned Lord gave of the oath of supremacy, believing, as I now do, that taken in the sense in which it is administered, it is not merely unobjectionable, but that it ought, in substance at least, to be maintained. The subject of the modification of the oaths of Parliament I think well worthy of consideration; but to the noble Lord's Bill as it stands, I am opposed.

LORD REDESDALE thought that, after the small assurance given with respect to the manner in which the Government would deal with the Bill, if it should be returned to their Lordships in an altered state at the end of the Session, it would not be at all safe in their Lordships, if they meant to adhere to the opinion they had already expressed with respect to the admission of Jews to Parliament, to allow the Bill to go further than the present stage. The noble Earl opposite said, that at any period of the Session the opponents of the admission of the Jews would retain the power, by the use of proxies, of rejecting any measure by which the Jews could enter Parliament; but, in the first place, he did not think it desirable to reverse a decision by proxies; and, in the next place, at a late period of the Session, there was not likely to be that attendance of Peers on the Opposition benches, where, for the most part, were seated those who were in favour of the exclusion of the Jews, holding a sufficient number of proxies to represent fully the opinions of opponents of the admission of the Jews. For his part, he did not see the imperative necessity for haste in respect to this Bill; and every argument adduced on the present occasion for the alteration of the oath was just as valid on the death of Cardinal York, when all the descendants of James II. became extinct. Since then, various Bills had been introduced, proposing the alteration of the oath; but none of them had been successful, in consequence of the difficulty of passing those measures. During the previous part of the present Session it had been a complaint made, he believed by the noble and learned Lord himself who introduced the present Bill, that nothing had been brought before their Lordships' House. Consequently, the present Bill might have been, and he thought it unfortunate that it was not, introduced earlier. He trusted that their Lordships would look at this question as affecting a most important principle; and that while they signified their readiness to remove what was objectionable in these oaths, and to affirm the principle of the Bill, they would, at the same time, declare that in consequence of the period at which the Bill had been introduced it was impossible for them to allow the measure to proceed beyond the present stage.

LORD CAMPBELL did not rise to offer any argument upon this important measure, but to bring before their Lordships the authority of one whose authority was very high, particularly with those who might be supposed prepared to resist the Bill introduced by his noble and learned Friend. He referred to the authority of the great Lord Eldon, who said that the oath of supremacy was superfluous and improper. In the year 1824 a Bill was introduced by Lord Holland to enable the Duke of Norfolk to exercise the office of Earl Marshal upon taking the oath of allegiance only. That Bill passed and received the Royal Assent; but there was a violent protest against it; and as the language of that protest was deemed rather unparliamentary, it was brought under the notice of their Lordships' House. Upon that occasion Lord Eldon expressed his approval of the Bill, and he also made use of these memorable words:—

> "With respect to the oath of allegiance to be taken by the Earl Marshal, I must say, as a lawyer, that it contains in it everything included in the oath of supremacy, and that the oath of supremacy was in fact added as an explanation of the oath of allegiance; or, as Lord Hale has expressed it, 'was passed to unravel the errors which had crept in.'"—[2 *Hansard*, xi. 1492.]

LORD BROUGHAM thought it almost superfluous to add a word to the inimitable and unanswerable speech of the noble and learned Lord who had introduced this measure, and he would, therefore, allude only to what had occurred since—the demand made by the noble Earl (the Earl of Derby) that the Government should pledge themselves as to the line of conduct they would pursue under circumstances which they could not possibly foresee. He certainly considered it an extraordinary thing to ask the noble Earl, who could not, of course, tell what amendments there might be made, to give a pledge as to what his conduct might be in the most hypothetical of possible cases. He himself was in much the same predicament with regard to a Bill of his as was the noble Earl with regard to this. He had a Bill standing for a third reading with regard to the law of evidence, in which his noble and learned Friend (Lord Campbell) entirely agreed; but he objected to a clause which he had more than once termed a clause for the abolition of trial by jury in civil cases. That which he (Lord Brougham) called a great improvement, his noble and learned Friend exaggerated, he could not suppose seriously, into the abolition of trial by jury. He had the support of his noble and learned Friend to the Bill as it now stood, because that clause was omitted; but inasmuch as the clause was in accordance with the Report of the Commissioners, who belonged to the other House, the House of Commons would probably restore the clause if they had the opportunity. His noble and learned Friend said, "You must give me a pledge that when I am gone away on circuit, and can be no longer here to resist the possible alteration of the Bill, you will prevent that clause being introduced, which I know you are very anxious to introduce, and have only kept out to enable the Bill to pass." He (Lord Brougham) would give no such pledge to his noble and learned Friend; and that was just what the noble Earl (the Earl of Aberdeen) said on the same thing being required of him. He hoped their Lordships would not withhold their support to this Bill in its present shape on the bare possibility of that which they did object to being added in another place. He hoped the Bill would receive the assent of Parliament, for if it was thrown out, it would, in his opinion, be a great blot on the Legislature, not merely in a civil but in a religious point of view.

The Earl of DERBY wished to explain a misapprehension on the part of his noble and learned Friend (Lord Brougham). He did not call upon the Government now to declare what course they would pursue at some remote period, in perfect ignorance of the character of the amendments proposed. He asked nothing so unreasonable. What he said was this: that whereas there was ground for supposing an Amendment, which he distinctly specified, reversing a decision arrived at by their Lordships in the present Session, would be added to the Bill, and wholly out of character with the Bill—he asked for an assurance on the part of Her Majesty's Government, that in this and in the other House of Parliament, they would use their influence for the purpose of preventing that specific Amendment being carried. Her Majesty's Government were not in ignorance of the Amendment. The Amendment was definite, and would have the effect of undoing by a side wind what had been already done in this House. He, therefore, asked the noble Earl to state what course he would pursue, and whether there and here he would prevent the Amendment being carried into effect.

Lord BROUGHAM begged the noble Earl (the Earl of Derby) to forgive him for setting him right on this question. There were two ways of making this alteration, and those two ways were so entirely different that a person might consistently and logically approve of the one, and consistently and logically disapprove of the other. They might either leave out the words "on the true faith of a Christian" altogether, or they might postpone those words to the end, and let them read, "on the true faith of a Christian, so help me God." He admitted there would be a dispute as to what would be the effect of the second mode, though no dispute would arise on the first.

The Earl of WICKLOW thanked the noble and learned Lord for introducing this measure. He should not have risen had it not been for the reasons assigned by the two noble Lords opposite who had spoken against proceeding with the Bill. The noble Earl (the Earl of Derby) declared that he should not offer any opposition to the second reading, because the alterations he might propose would more properly come in Committee, and therefore he admitted the necessity of legislating. With regard to the request which the noble Earl had made, it was so extraordinary and unreasonable that he was not surprised at the answer he received. The second reason was suggested by the noble Lord (Lord Redesdale), namely, the lateness of the season, and the time when the Bill was brought forward. Was it possible their Lordships could consider the last day of May too late to bring forward a measure which they were all agreed in considering necessary and expedient? If this was too late to bring forward such a measure, there might as well be an end to legislation; and if the Bill had been brought on earlier, there would have been infinitely more force in the argument that it was premature until the Jew Bill had been decided. He thought his noble and learned Friend had acted wisely and judiciously in not bringing forward the Bill until the decision on the Jew question had been taken; and in bringing it forward as soon as possible after the rejection of that measure, there was much less probability of any alteration in the Bill, and of any delay in removing the absurdity and mockery which at present attached to the subject of oaths.

The EARL of HARROWBY said, it was quite clear there was a strong desire on the part of the House of Commons to admit Jews to Parliament—it was quite clear this Bill could be easily adapted to that purpose, and when he found the Government objecting to give a pledge, he had no doubt what would be the result. He had no doubt the Bill would come back altered at a late period of the Session, when circumstances would be most favourable to achieving that object. Though not wishing to oppose the Bill, he hoped that by moving the previous question, or by some other course, the Bill would be postponed to another year.

The MARQUESS of CLANRICARDE expressed his earnest hope that the Government would give no pledge whatever. He knew nothing more inconvenient, more irregular, and more unconstitutional than giving pledges on uncertain conditions. It was not fair to individual Peers, to independent Members of the other House, or to the Ministers themselves, to require or to give such a pledge. The question of the admission of the Jews to Parliament stood now, he considered, in a very different position from what it did before. It was admitted that the oaths ought essentially to be altered, and he should be sorry to see this enactment defeated by any Amendment in the Commons. He was prepared to support the second reading, but he would not pledge himself as to the course he might pursue if the House of Commons should determine upon an alteration. With respect to the month when the Bill would probably come back to this House, there was not a month in the year in which he had not seen Parliament sitting. The noble Earl (the Earl of Derby), he remembered on one occasion, did not find it at all inconvenient to come up in the month of August, and turn out Lord Melbourne's Government. There was no want of alacrity then on the part of the noble Earl and the noble Peers who voted with him on Lord Ripon's Amendment to the Address.

LORD ABINGER said, the objection of the noble Lord was, that if the Bill passed through the House, it would be so managed as by a side wind to make it ultimately serve a different purpose to that for which it was professedly introduced. It was at one time the custom to attach clauses to Bills in their progress through Parliament quite inconsistent with the object of the Bills; but a proper sense of honesty had determined their Lordships to make every Bill consistent with itself by striking out the inconsistent clauses. If the present Bill should possibly come to that House with alterations which had other objects in view than those contemplated by the Bill, he trusted their Lordships would guard against such a contingency by doing as they had done on former occasions.

Bill now read 2ª, and *committed* to a Committee of the whole House on *Thursday* next.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, May 31, 1853.

MINUTES.] PUBLIC BILLS. — 1° Consolidated Fund (4,000,000*l.*); Glanders Prevention.
3° Burgh Harbours (Scotland).

ECCLESIASTICAL REVENUES (IRELAND).

MR. MOORE said, the subject which he had to bring under the consideration of Parliament that evening was unfortunately no new one to the House. It was one of its oldest and most wearisome grievances—it had vexed the Legislature that inflicted, almost as much as the people that endured it; and he believed there was no nation upon earth but Englishmen that would endure such a bore as Irish grievances had been to them, for the mere luxury of obstinacy in wrong. If Englishmen would only reflect, that in order to save Ireland from the doctrine of purgatory in the next world, they were dooming it and themselves to something very like a purgatory in this, they might ultimately come to the conclusion that it would be a profitable compromise to get rid of Irish wrongs and Irish discussions together. But until they could bring their minds to that wise determination, they had none to blame but themselves, if, to use the words of a great man on an ominously similar occasion, they continued to be "lashed round and round the same miserable circle of occasional arguments and temporary expedients, in which their heads turned and their stomachs nauseated, in which invention was exhausted, reason was fatigued, experience had given judgment, but obstinacy was not yet conquered." If, however, they could not avert the vexations, they might at all events vary the form of such an argument, by clearing the question of certain hypocrisies of discussion which had hitherto clung like cobwebs around it, and which every one seemed to have a prescriptive horror of brushing away. For instance, it had been the habit of those who advocated the just rights of the Catholic people of Ireland, to represent that people as amongst the most loyal of the subjects of the Crown. The Catholic people of Ireland were not loyal; he was not a loyal or true man who said that they were loyal; and he himself, whose most fervent hope and prayer it was, not only to live and die a loyal subject of the Crown, but to see all his countrymen before he died as loyal subjects in Ireland, as they were in America, and in every country but their own—deemed it his first duty as an Englishman and an Irishman to tell the truth in a matter in which he believed both England and Ireland were deeply concerned. The Irish people were not loyal; they were deeply disaffected to their Government from one end of the island to the other; there was not a part of their coast before which an American and English frigate could come in hostile collision, in which the vast majority of the lookers on would not wish the American to win. These were truths that it was not fashionable to speak in that House; but in that House, to his mind, the truth should be told; and he spoke of a danger which, if it existed, could not be too plainly or too broadly portrayed. He said a danger, a great imperial danger; he did not speak of danger of rebellion or insurrection: there was no danger of anything of the kind. Ireland was but as the mouse beneath the talons of the lion; but it was no mouse's service her children had done the empire during the late war; it was no small disservice that but a small number of her exiled sons had done that empire at a former period of its history. The time might come, the time might be fast approaching, in which it would require the united loyalty of the subjects of the whole united empire to defend the integrity of its triple Crown. It was therefore no light matter that a state of feeling touching the loyalty of a fifth part of the subjects of the Queen, should be permitted to exist in the very heart of the Queen's dominions; and no statesman could doubt that it was the duty of the State anxiously to probe and examine into such a disorder, with an earnest desire, if possible, to effect a cure. Now, were these effects without a cause — he meant a just and reasonable cause, such as would produce similar effects in other portions of the empire? It had been the habit of political writers to speak of the state of feeling existing in Ireland, as an anomaly in the social and political condition of the empire; and of the problem of bringing Ireland really as well as nominally within the pale of the constitution, as the great secret—the philosopher's stone of imperial policy. Well, if they really regarded the position of the Irish people towards their Government and law as an anomaly, the first question, which in a spirit of honest investigation they ought to proceed to consider, was, whether there was anything anomalous in the position of their laws and Government towards the Irish people. And if they found, not only that there was one marked and startling anomaly in their government of Ireland, specific in its nature, and wide in its sphere of operation, but that that anomaly was of precisely the same specific nature, character, and complexion of which they complained—if they found, in the history of other portions of the empire, that the same exceptional legislation led to the same anomalous result—if, moreover, the history of other countries furnished other parallels, leading to the same conclusions—was it not probable that in these matters they might not only trace cause and effect, but the disorder and the cure. It needed but a glance to perceive that, while in every other respect British rule and legislation were the same, or similar, in their application to all parts of the empire, on one point alone, and that a point on which human feelings and prejudices were most sensitively alive—a point on which English feelings and prejudices were most tenderly consulted—the most susceptible of all the susceptibilities of the most susceptible people in Europe were studiously overlooked, if not sedulously slighted. In the constitution of all human society the religious element is a vital component part; and any form of government constituted in hostility, or without regard to the religion of the people, must, in its very essence, be as unsound and unhealthy as the air we breathe if deprived of one of its vital gases. Let them observe how reverently and assiduously the religious element was, as it were, woven into the constitution. The religion of the majority had a voice in one of the estates of the realm; the Sovereign was bound by a solemn oath to watch over and defend its rights; the highest offices in the State were reserved for the members of its communion; and the smallest invasions of its prerogatives were made the subject of legal enactments. The religious feelings of the people of England were not only sustained, but sunned and fanned and flattered by English law. The consequence was natural: the law and the constitution had won the religious feelings, the religious sympathies, and—though last, not least—the religious prejudices of the English people. In Ireland, on the contrary, the religious feelings, sympathies, and prejudices of the people were not only studiously disregarded, but triumphantly contemned; and the consequence was equally natural—the common cry, the universal wail, of every discomfited Minister was, that the religious feelings, prejudices, and passions of the people were in the way of law and order in Ireland: that is to say, that in the one part of the empire, on the one point of their policy on which the principles of the constitution had been systematically violated, in that one country, and on that one point of policy, British legislation had utterly failed, and British law was regarded, not as a pride, but as a terror. But was Ireland an anomaly in this matter? Had the policy of the constitution failed in that country? On the contrary, the constitution was triumphant in the result of its exceptional violation. Ireland was a new proof of its universal wisdom—showed a new necessity for its extended and impartial application. So far from Catholic feeling in Ireland being an anomaly in the history of the empire, if it were other than what it was, it would be an anomaly in the history of humanity; and if peace, union, and strength were the necessary results of the religious policy of the State in England, sectarian strife, social disorganisation, national weakness, and imperial danger were the equally necessary and analogous consequences of the religious policy which the State had ventured to pursue towards one portion of its people. But were these deeply-rooted objections to our religious legislation confined to the people of Ireland? Had they arisen from any peculiar organisation on the part of that people? On the contrary, no error, if error it were, was so strongly supported by the weight and authority of English opinion. The opinions of the noble Lord, the leader of the House of Commons, were too well known to need quotation; in his judgment, the evils of the Irish Church Establishment were so great, that if Parliament refused to redress them, it "had no right to maintain the legislative union between the two countries." In his judgment, nothing short of "complete religious equality" would satisfy the justice of the case. But what said the leader of the Opposition, the head and the brain of that side of the House? If any one could make a case for the Irish Church Establishment, undoubtedly the right hon. the Member for Buckinghamshire was the man—he was, however, one of its most eloquent opponents. "How could people talk of identity of institutions between the two countries," said the right hon. Gentleman, "when the primary and most important institutions of all, the union of Church and State, was opposed to the feelings of the Irish people? Had Mr. Pitt's plans been carried out, they would have had the Church question in Ireland settled at a very early period; and it would, in his mind, still be settled at a very early period, and settled, he had no doubt, upon principles analogous to those which were laid down by a great statesman in 1636." The right hon. Gentleman alluded, as might be gathered from another passage in one of his speeches, to Glamorgan, who, at Kilkenny, acting under private instructions from Charles, agreed that the cathedrals, churches, churchlands, and tithes—then nearly all in possession of the Catholics—should remain with them; and that as Protestants disappeared from the residue, they should go to the Catholics; but the right hon. Gentleman went on to say, "Her dense population inhabited an island where there was an Established Church, which was not their Church." This Church he again called "an alien Church;" and said that "that was the Irish question: as long as they had a strong executive, a just administration, and ecclesiastical equality, they would have order in Ireland; and the improvement of the physical condition of the people would quickly follow." Well, the leader of the House of Commons, and the leader of the Opposition, having both pronounced its condemnation, to whom would this persecuted Establishment naturally appeal for justice? Perhaps to the Lord Chief Justice of the Queen's Bench. He, as the head of the law in England, would be the natural defender of all that the law established. What was the sentence pronounced upon the Irish Church Establishment by the Lord Chief Justice of England?—

> "He believed the Protestant Church in Ireland to be one of the most mischievous institutions in existence; he believed it was so considered now; he believed it would be considered so by posterity; and it was only because their Lordships were familiar with it that they were not shocked at the picture. There was nothing parallel to it, except the attempt at the end of the seventeenth century, to impose episcopacy upon Scotland. Could there be any wonder, then, that the Roman Catholics were discontented?"

If, from the rigour of the laws, the Irish Establishment flew into the arms of Equity, what was the judgment of the greatest —politically the greatest—of the living Lord High Chancellors of England? Lord Brougham said—

> "As long as the foulest practical abuse that ever existed in any civilised country continues untouched, or touched only with a faltering hand —the Irish Church, as lavishly endowed for an eighth part of the Irish people as if more than double their whole number could partake of its ministrations—there assuredly never can be peace in that ill-fated land."

Well, but although lawyers in the gloom of their courts, and politicans in the dust of party battle, might not appreciate the high and transcendental merits of the Irish Church Establishment, modern history, perhaps, would do her justice; and this would be the description handed down to posterity by Mr. Macaulay:—

> "My own opinion is, that the Irish Church is a bad institution—that it is a very bad institution. It is my deliberate opinion that of all institutions now existing in the civilised world, the Established Church of Ireland is the most absurd and indefensible . . . . . Take the opinion of foreigners, of travellers, of writers, it does not matter where the book comes from, whether from Europe or America—whether Catholic or Protestant—whether partial to England, or opposed to England, they one and all state that Church to be such an abuse that they can scarcely conceive how it exists."—[See 3 *Hansard*, lxxix. 1180-82.]

It would be difficult to find a hope of refuge for an institution so condemned, unless, perhaps, in political economy; and what said Mr. M'Culloch?—

> "In Ireland the adherents of the Established Church are but a small minority of the population; and this minority consists almost entirely of the wealthier classes, who could, without difficulty, supply themselves with religious instruction. The Catholic population have been compelled, down to this moment, to pay tithes to the established clergy who, at the same time, possess all the estates and glebe lands that formerly belonged to the Catholic clergy. Can we wonder, under such circumstances, at the rooted hostility to the Established Church evinced by the Catholic population? . . . . A distinction of this sort is at variance with every principle on which society is founded; and, so long as it is kept up, it must be productive of the most violent animosities."

Having read these authorities to the House, he would only say by way of summary, that if the opinions of the leader of the House and of the Opposition—of the Lord Chief Justice, and Lord High Chancellor of England—of the first political writer and historian, and the most eminent political economist of the day, all pronouncing the same condemnation of this institution, did not warrant the Irish people in taking exception to its present status, and in calling upon Parliament to inquire whether it might not be reformed—then it would be well to send all the intelligence and authority in England to Bedlam, and to appoint the hon. Member for North Warwickshire First Minister of the Crown. And now, what was the nature of the institution, that the people of Ireland called in question, and into which they prayed for inquiry and investigation? In discussing this question on its merits, he thought it would be well to abandon on both sides two modes of stating it, both of which were vulgar and superficial. On the one hand, it had been alleged that the revenues of the Church in Ireland were a tax paid by the whole people for the support of the religion of the minority. It was not true that these revenues were a tax paid by the people for that or any other purpose. On the other hand, it had been not less confidently asserted, that the land of Ireland, being for the most part in the hands of Protestants, the revenues of the Church were in reality paid out of Protestant property. It was not true that they were paid out of any property, Protestant or Catholic. The ecclesiastical revenues of Ireland were a property in themselves; a head-rent upon all property, superior and anterior to the right of any proprietor in Ireland; set aside for public purposes, by public authority for the public good. It was, therefore, not only the right but the duty of the State to see that these revenues were not diverted from the original purposes of the trust. And what were those original purposes? He was not about to argue that, because these revenues were set apart in Catholic times that they were necessarily applicable to Catholic purposes; but being set apart in Catholic times, it certainly followed that they were not necessarily applicable to Protestant purposes. They were manifestly appropriated to the religious worship and instruction of the whole people of Ireland; and, if they had been greatly alienated from that purpose, then they had been alienated from the original purposes of their trust. Were those purposes carried out in Ireland? Were the ecclesiastical revenues of that country applied to the religious uses of the people? It was almost a mockery to enter into the statistics of an abuse which was "gross as a mountain, open, palpable," and which had incurred the indignant reprobation of the whole civilised world. Besides, the dislocation of society which had resulted from Ireland's last calamity had afforded peculiar facilities for involving the subject in that mystification and obscurity which were always so favourable to crime; and the hon. and learned Members for Dublin University and Enniskillen were too well versed in criminal practice not to give their monster client the full benefit of this advantage. Accordingly, on every successive occasion on which this subject had been incidentally discussed in the House, they had so gradually improved their facts and statistics; their Protestant census insensibly swelling into such magnificent proportions; and the revenues of their Church, under their delicate manipulation, becoming so "small by degrees and beautifully less," that he would not be in the least surprised if, during the present discussion, they found themselves in a position to declare that the Catholic population of Ireland had entirely disappeared; and that the Protestant bishops and clergy were absolutely losers by the possession of their benefices. History, however, furnished them with some instruction in the elucidation of this Protestant mystery. In 1731, the relative proportions of the population of Ireland were ascertained to be as follows:—Catholics, 1,309,708; Protestants, 700,451. In 1834, or about a century after, the members of the Establishment were 850,000, while the Catholics had increased to nearly six millions and a half. During the whole of this interval the people of England had been constantly entertained with pious statements, such as the House would probably hear that evening from the learned Member for Enniskillen, of the wonderful increase and progress of Protestantism; they were told that nothing was wanting but more money from England to complete the godly work; and absolutely a fact, that the generous, simple, befooled bigotry of England, had contributed nearly a million of money in Parliamentary grants to the gorged but still insatiate rapacity of the Irish mission, for the ostensible purpose of ministering to holy necessities of Protestant increase. When the census, however, like Ithuriel's spear, touched the toad that squatted at the ear of England, it stood up in its true proportions; and it had been found that all this time Protestantism had been pining and dwindling away in its hotbed; and that, in relation with the social expansion of the country, it had almost miraculously decreased. And now they found that an old established swindle could never be too often repeated. Since 1834, the population of Ireland had diminished, by death and emigration, to six millions and a half; and the credulous bigotry of England is again called upon to believe, that out of these national debris a new grain of Protestant mustard seed had sent forth prodigious shoots; and the English people are, of course, again besought to contribute to the young Irish ravens that dwell in its branches and cry continually for food. For his own part he believed that, if a census similar to that of 1834 was again ordered, it would be found that the Catholics of Ireland were, in proportion to the Protestants, as five to one. He knew that this proportion would not at all tally with the pious statistics of the hon. and learned Member for Dublin University, nor with the rhetorical arithmetic of the hon. Member for Enniskillen; but the difference between them was a question for inquiry, and that inquiry he, at all events, courted and craved. The same observation applied to the revenues of the Establishment. He knew there was no sum so small that some hon. Gentlemen would not engage to reduce them to on paper. The income, however, returned to Parliament, by their own dignitaries in 1831, was upwards of 800,000*l.* per annum; and the people of England had formed a tolerably definite estimate of the value of a bishop's statement of his own revenues. Whatever they might be worth to the Established Church, he believed, that, honestly and honourably managed, they might be made to produce nearly 1,000,000*l.* a year. He said honestly and honourably managed, because, he believed, that the whole system of bishops' leases in Ireland was a fraud, of which no honourable layman, holding property under a sacred trust, ever would have been guilty. But, here were revenues originally set apart for the religious worship and instruction of a whole people, nominally appropriated to the uses of a small sect, but really, to a great extent, for no religious purpose whatever; but scrambled for as a precarious patrimony by the slowest and feeblest of a corporation of younger brothers, who made it their profession to wear a black coat and white neckcloth, instead of regimentals and moustache; and devoted their time to the diffusion of intolerance, instead of the more Christian-like occupation of shooting snipe. Hon. Gentlemen might laugh at this statement, but if they stood in his position they might think it no laughing matter. On a former occasion, in this House, he had stated his own experience as a Catholic landed proprietor. He had stated that he paid tithes in eight parishes, and that in all those eight parishes there was not a single Protestant church, glebe, or resident clergyman; that he did not think that he had a single Protestant tenant; and that he doubted whether there was a single Protestant inhabitant, or whether service according to the Protestant ritual, had been celebrated in any of these parishes since the Reformation. Having heard that this statement had been privately contradicted, he had made subsequent inquiries, and he had reason to believe, that in every respect but one, his statement was strictly correct. In three of those parishes he found, however, that at the period at which he spoke, there were a few scattered Protestants; and this part of his statement, therefore, he wished to correct. He thought it right to state also, that in at least two of those parishes Protestant clergymen were now resident, and that in one of them a church had been subsequently built. He wished to give the Protestant Establishment the full benefit of this contradiction, in order that the House and the public might know the kind of defence that it could make for itself. But he would take just one of these parishes as an example of the application of the Church revenues to their original purposes. The parish of Ballintubleer was one of the largest in the county, and, previous to the famine, had a very dense population. In the midst of that parish stood a venerable abbey, erected by Catholic hands and hearts, and wrecked by the soldiers of the Reformation. In the abbey field outside was the grave of the infamous "Shawn a Saggarth," the priest hunter, who for Protestant gold had betrayed the pastors of the people to death, and the Church of his fathers to desolation. In that ruined church, without a roof, open to the winds and the rains of heaven—the whole population—for there is not a Protestant in the parish—knelt to God; and, beneath a last remaining arch, that shaded rather than sheltered the sacrifice, the shivering priest raised to heaven in expiation of their sins, the body and blood of Him, who, while He lived, had not a roof to lay His head, but to whom every other Christian land granted an altar and a sanctuary. And what was the purpose to which the revenues originally set apart for the religious uses of this parish were now applied? Shortly after coming into the possession of his estate, he had received a letter from the vicars choral of Christ Church, Dublin, informing him that they were his pastors, and that to them he was to pay for spiritual instruction; so that while the people of Ballintubleer were kneeling in the pelting storm, within the walls that sacrilegious fury had unroofed, the vicars choral of Christ Church, Dublin, pocketed the funds that should shelter the flock and maintain the altar—in payment for hymns professed to be offered up to the God of justice. Did they think that those hymns ascended to heaven? Did they think that the Protestant Church could have a blessing with these pieces of silver? Can you expect that a Catholic, standing on the grave of the priest hunter, with such a letter in his hand, and looking at a shivering people kneeling to their houseless God, could fail to feel a busy spirit rising within him and whispering to his heart that it was impossible to be loyal to such a law? Would any one venture to assert that this was a fulfilment of the original purposes of the trust—that these were not circumstances that called for inquiry? But the wrong done to the Catholic people of Ireland, by this evil legislation, was as nothing compared to the injury inflicted on the empire and the State. Some little had been said in the House lately, and a good deal had been said out of doors, on the relative merits and disadvantages of State endowment on the one hand, and the voluntary system on the other. But the system they had established in Ireland, contains all that was evil in both principles, without any of the advantages of either. What was the great argument, at once

Christian and politic, in favour of State endowment? The indefeasible right of every man, however poor, to religious worship and instruction in life, and religious consolation in death. Cobbett had defended the Established Church, and logically, on the ground that it was the poor man's Church. An hon. Member, some nights ago, had said, that a man should pay for his priest as for his doctor; but what about the man who could pay neither for priest nor doctor? His right to be cured at the public charge might be disputed, but his right to be saved could scarcely be denied; and it must be avowed that the right of the poor "to have the gospel preached to them" was a very strong argument in favour of State endowment. Then it had been urged with no inconsiderable force, that if the clergy were made dependent for their subsistence upon their popularity, they would be apt to consider the passions and prejudices of their audience quite as much as the duty of communicating wholesome instruction. "For a preacher to be at the mercy of his audience," said Dr. Paley," "to be obliged to adapt his doctrine to the pleasure of a capricious multitude, are circumstances rarely submitted to without sacrifice of principle and depravation of character." The principle of State endowment, therefore, was, that the poor should have a right to spiritual instruction at the public charge; and that their clergy should be independent of their passions and caprices. But what was the principle of the State endowment that had been established in Ireland? They endowed the Church of the rich, while they handed over the poor to the unrestrained operation of the voluntary system. They cut from under the principle of endowmentt every argument that rendered it defensible; whilst they placed the voluntary system in precisely the position in which they believed it was most capable of evil. Surely, out of that place where "no order but everlasting horror dwelt," there never had been devised an ecclesiastical system so pregnant with the seeds of religious discord, and social and political disorder. *Primâ facie*, therefore, and on its own merits, "the Church of Ireland was a bad institution, a very bad institution;" but then it was said that there were special reasons which made this very bad institution expedient and even necessary. One of these attempts to justify injustice was, that the religion of the Irish people was unscriptural and idolatrous. It must be admitted that if the object of Parliament were to set aside altogether the feelings and opinions of the Irish people, this mode of dealing with the question was straightforward and intelligible; but if it were their object, as they professed it was, to convince the people of Ireland that they were disposed to deal justly with them; could they possibly expect that acute and susceptible people would be reconciled to an act of political injustice, by an assertion which their feelings must receive as an insult; which their reason must reject as idiotic; and which was in point of fact a begging of the question so intolerant and stupid that the decencies of hypocrisy should prevent its use. Was the House of Commons a society *de propaganda fide?* Were its functions those of government or priestcraft? Had it been appointed to legislate for a people, or to proselytise for a sect? He could quote numerous passages from Dr. Paley and other eminent divines of the Church of England to show that it was the duty of the State in establishing a particular religion to consult the faith of the nation and not its own; but it was scarcely necessary to demonstrate that the contrary practice was a mere right of conquest, which could only be exercised in a country completely subjected to a foreign will. So clear was this that a very eminent debater in that House, now Chancellor of the Exchequer, of too logical an understanding to resist this evident proposition, was obliged to have recourse to a clue of very subtle casuistry to escape from the difficulty. "True," said the right hon. Gentleman, "the established religion in every free country must be the religion of the majority of the people:" but Ireland being now an integral portion of the empire, and the Protestant religion being the faith of the majority of that empire, the Protestant religion ought therefore, in Ireland, to be the religion of the State. Well, if that were to be so, then let this imperial Church be paid out of imperial resources; and if the Chancellor of the Exchequer were content to defray the expenses of this establishment out of the Consolidated Fund, the people of Ireland would wish him joy of his bargain. But the right hon. Gentleman had, under his very nose a practical refutation of his doctrine. Scotland was an integral part of the empire; the episcopal church was the church of the majority of that empire: why then, was not the episcopacy the Church of Scotland? Because the Scotch people, with sharper arguments than those of the right hon. Gentleman, had cut right through this sophistry of intolerance. What said Dr. Warburton upon this question? After asserting the necessity of the State allying itself with the largest of the religious communities of the country it governs, he went on to say, "From hence it may be seen why the Episcopal Church is the Established Church of England, and the Presbyterian the Established Church of Scotland, and the equity of that convention;" and from hence it also followed—unless reason and right became folly and wrong on crossing the Irish Channel—that the Catholic Church ought to be the Established Church of Ireland. But then it was argued that the present status of the Irish Church Establishment was guaranteed by the Act of Union: no matter how monstrous in principle, no matter how disastrous in practice, it was stipulated in his bond, and the Irish Shylock would have his pound of flesh. But although some moralists might maintain that in the case of every contract entered into by two parties, no plea of expediency or necessity could warrant either party in violating that contract without the consent of the other; he fancied that it had never been contended that both parties, by mutual consent, might not declare void any contract into which they had previously entered; and if the majority of the representatives of England concurred with a majority of the representatives of Ireland in accomplishing an act of justice, tending to the honour and advantage of both countries, not only would they not be violating an Act of Union, which indeed was more honoured in the breach than the observance, but they would be establishing a real bond of union and peace between England and Ireland, that no Englishman or Irishman would ever wish to repeal. He was almost ashamed to go through the task of winnowing all this chaff, for the mere sake of showing that there was not a grain of wheat in it. But what was to be said for an institution, in support of which, men of ingenuity and intelligence could put forward arguments of which such stuff as this was the common staple? But the Irish Establishment had been lately supported on other grounds, not sounder or more true, but more plausible, more decorous, less repulsive to the spirit of the age. A public journal, which it was the fashion to call a great organ of public opinion, and which certainly ministered to the opinion of the hour with some dexterity, supported this Establishment on the ground that every alliance between Church and State must necessarily be reciprocal; that if the State tenders certain advantages on the one hand, it has a right to expect corresponding influence and control on the other; and, inasmuch as the Catholic Church in Ireland refused to enter into such an alliance, the State had no option but to continue in its present anomalous position. But although that might be a certain argument against the endowment of the religion of the majority, what possible excuse could it be for an endowment of the minority that was unjust in principle and disastrous in practice? What was the state of things, in favour of which such an argument as this was considered satisfactory? He would take the description from the same journal from which he had taken the argument:—

> "The Protestant Church is in form a temple, but in truth a fortress, built from the ruins of the old national hierarchy, drawing supplies for its ample garrison from the conquered and impoverished country over which it frowns, but yielding no succour or protection to its vassals. It has been fed by forced contributions wrung from the people whom it could not, as a religious establishment indemnify for the tax that it extorted. The Church of Ireland, is, finally, one which for centuries, in every measure of severity of exaction and oppression, signalised itself by more than a concurrence with the tyrannical spirit of the civil government. It is felt to be at once a weight upon the country and a degradation. Let any honest man answer this question—Is it possible for a community where such things exist, to be kept we do not say at peace—for that were extravagant—but in subjection to the British Crown, otherwise than by constant and irresistible force of arms?"

And so the Legislature was to perpetuate a system which was at once "a weight upon the country and a degradation"—which "disorganised society," under which "peace was impossible," and "subjection" only maintained "by constant and irresistible force of arms." Because it assumed that the Church of the people would not accept terms which had been never offered it—which it was never intended to offer, and to which public opinion in England was incorrigibly opposed. Far more endurable were the old blatant utterances of unreasonable and unreasoning bigotry, than such frigid and predetermined causistry as this! But he would go farther than the argument of this extract, and show—not only that peace was impossible under our present policy, but that there was every reason to expect peace by its abolition. Let hon. Gentleman look to the analogies of their own history. What was the nature of popular feeling in England that drove James II. from his throne? Was peace possible in England under the religious intolerance of James? Was not peace secured to England and Scotland by religious liberty under William of Orange? Yes, under William of Orange. It was his advent, it was his example, that he invoked to confute the intolerance of those, who, while they pretended to reverence, outraged his memory. Let hon. Gentlemen look to the history of Scotland before and after his coming. Whenever they would reprove the people of Ireland for their unhappy, querulous, distracted state, they told them to look to Scotland. Well, look to Scotland. As long as England attempted to force its intolerant convictions upon the people of Scotland, no social animosities that ever existed in Ireland could bear a comparison with the passions and prejudices that in that happy and industrious land tore society asunder. And such was the perverse fury of religious excitement, that the cold-blooded murder of an aged and venerable archbishop was proclaimed to be a godly act by the Scotch people, and even from the Scotch pulpit. And what calmed the social fury? What exorcised the religious devil? Why these simple words of an Act abolishing prelacy (July 22, 1689):—

> "Whereas the estates of this kingdom, in their claim of right, declared that prelacy is and hath been a great and insuperable grievance to the nation, and contrary to the inclinations of the majority of the people. . . . . . Therefore the King's and Queen's Ministers do declare that they will settle that Church government in this kingdom which is most agreeable to the inclinations of the people."

It was to be remarked that there was here no chopping logic, or bandying of theology; it was not that prelacy was scriptural or unscriptural, but simply and sternly that it was contrary to the inclinations of the majority of the people. And now let them look to Belgium. The cases of Belgium and Ireland were not so much similar as identical. The grievance of Belgium was a religious grievance like that of Ireland, and assumed every other form as it did in Ireland. There was the priest party, and the orange party exactly as in Ireland, and they kept the country in hot water between them, much as they did in Ireland. Well, he was old enough to remember the Belgian insurrection; and when it first broke out, the people of this country were perfectly astonished, and asked what on earth the Belgian people had to complain of. The Belgian people published their complaint in the following declaration, which might have been written by O'Connell himself for the Irish people, and which contained a recital of every grievance but the real one. After alleging that the Union was obtained by fraud, it goes on to say—

> "An enormous debt and expenditure, the only portion which Holland brought to us at the time of the deplorable Union, taxes overwhelming in their amount, laws always voted by the Dutch for Holland only, and always against Belgium, representations so unequal in the States General, the seat of all important establishments fixed in Holland, the most offensive partialities in the distribution of civil and military employments, in a word, Belgium treated like a conquered province, everything rendered revolution inevitable."

Well, the people of England pooh-poohed these complaints, and declared it was a mere plot of the priests fomented by that mischief maker, Palmerston. The priests and the people succeeded in their plot nevertheless; the people were satisfied, and after prophesying the ruin of Belgium for a year or two, the orange party became satisfied. The priests and the people had been perfectly loyal and contented ever since under a Protestant king, as Ireland might be, and he hoped one day would be, under a Protestant Queen. And, now could they doubt that it was the same cause that led to revolution in England, to civil war in Scotland, to insurrection and change of dynasty in Belgium, that kept alive in Ireland that religious strife and social disorder, more fatal to the progress and prosperity of a nation than even civil war itself. There was a very able and industrious writer in this country, who had devoted his energies to the defence of British rule in Ireland, and even to the vindications of penal laws; and his case was—

> "That the object of every insurrection that had taken place in Ireland since the Reformation, was the supremacy of the Bishop of Rome and the Romish form of worship. That they were not wars against English rule, nor for ambitious purposes, but wars of religion. That the penal laws and confiscations that followed, were not laws of persecution or the result of bigotry or tyranny, but of political necessity, and absolutely required for the protection of the Church Establishment."

That was to say, that all the outrage, insurrection and bloodshed that had taken place in Ireland since the Reformation, had arisen solely from our inexorable determination to maintain in that country an Established Church which was not that of the people. And now that the very embers of insurrection were trodden out, were the results of peaceable government obtained? No! Bloody persecution had produced its natural result, bloody insurrection, which had been quenched in blood; and now the iron reign of cold-blooded injustice had also produced its natural correlative, steady, stubborn, abiding disaffection, which would not break out in open eruption, but which shook society, affrighted industry, and dried up the fountains of national energy; which made Ireland what it was, and what England would be if subjected to the same fatal influence. There were those who said, "Take no note of this religious grievance; that is not the evil against which the Irish people clamour." There was an old Greek Joe Miller called Hierocles, who told a story of a certain scholasticas, who could not be persuaded that his wine cask leaked at the bottom, because it was at the top that he missed his liquor. But he (Mr. Moore) would tell them to stop the leak at the bottom of their cask, and they would no longer miss the liquor that was fast sinking from the brim. The House might be assured that every blind delusion, every crazy crotchet, every clamorous agitation, every organised system of outrage that had tormented society in Ireland, and bewildered common sense throughout the empire, had their origin all and each in the one deep and fatal disorder which had equally distracted every other country in which it had existed—a wronged religion and an alienated Church. Such a state of things existing in the very heart of our empire would be a heavy penalty even upon success in a Christian mission. But had it succeeded? "Oh! yes!" Hon. Members of a pious and enthusiastic temperament would exclaim, "The success of Protestantism in Ireland was most extraordinary; the number of sincere inquirers after truth, particularly amongst children of tenders years, surpassed imagination." "The poor," said a report of the Irish Reformation Society, "the poor are ready! Hunger has softened the hearts of the poor; numbers of converts from Popery had been saved from the grave; and many sincere inquirers after truth have been enabled to come out of Babylon through our protection." That was to say, through the protection of the Irish Reformation Society. But what had that to do with the Irish Established Church? Why, just this, that while an endowment of from half a million to a million per annum, for three centuries, had failed to produce the slightest effect in the development of Protestantism; a few thousand pounds voluntarily subscribed and worked through the agency of the voluntary system, had, as it was alleged, succeeded in evangelising Ireland, and was rapidly spreading Protestantism through the country. He would not question the success of the juniper mission in Ireland; it suited his purpose and his argument to admit it; because if indeed it were true that in a country in which for three centuries Protestantism had withered away under endowment, it was now springing into life under the operation of the voluntary system, then the Established Church of Ireland had not an inch of honest ground whereon to stand; then on the confession, on the evidence, on the very plea of its own advocates, it must stand condemned by whatever common sense remained in the Protestant world. Just in the same spirit of argumentative acuteness, the hon. Member for Warwickshire—he meant the younger of those Protestant logicians—had mentioned with an air of triumph that the Irish people became Protestants the instant they went to America: that was to say, the instant they escaped from the air of the Establishment. There was no Church Establishment in America; and there, said the hon. Gentleman, the Irish people become Protestants; there was an Establishment in Ireland, and there they remained obstinately Popish, except just in so far and in so much as the influence of the voluntary system was brought to bear upon them. "Therefore," said this Protestant reasoner, "beware of the American system, which produces Protestantism, and adhere to the Irish policy, under which it withers and dies away!" Was it not clear that though these hon. Gentlemen talked of Protestantism, they did not mean it: that it was not Protestantism, but power; not religion, but intolerance, not God, but Mammon, that they had in view. Now, he said on the contrary, "give Protestantism a fair chance, give her air to breathe, and room to act in, remove the golden collar of England from her neck, and the stain of Irish plunder from her hands: then let her stand forth in her true proportions, to meet her great adversary in a fair field, and before a free people; and may God defend the right!"

Mr. M. O'CONNELL said, that although he rose to second the Motion, and meant to vote for it, yet he exceedingly regretted it had been brought forward.

He had always been of opinion that the less this *vexata questio* was touched the better, and that it was rash and imprudent to approach it at the present moment. He was a free churchman; and he should not have addressed the House at all upon this question, but for the demur of the hon. Member for Mayo to an observation which he (Mr. O'Connell) made a few nights ago in that House, to the effect that every man ought to pay for his priest as he paid for his doctor. That was his (Mr. O'Connell's) doctrine, and it was also the doctrine of his late father—a man who had done more for Ireland and religious liberty than had ever been effected by the hon. Member for Mayo. But he thought that such rash and imprudent Motions damaged the cause they were meant to serve, and that the persons who brought them forward were not acquainted with the feeling of the people of England on these matters. He was against all religious endowments; but the abolition of church endowments could not be effected by such sweeping measures as that now proposed by the hon. Member. The friends of the voluntary system must proceed quietly, and effect their views inch by inch. But rash demonstrations, which he held this to be, although he had seconded it, always damaged the cause you had in hand, and threw you back for several years.

Motion made, and Question proposed—

"That a Select Committee be appointed to inquire into the Ecclesiastical Revenues of Ireland, with the view of ascertaining how far they are made applicable to the benefit of the Irish people."

SIR JOHN YOUNG said, that the hon. Member for Mayo had asked the House to agree to a Committee—as he stated in one part of his speech—of inquiry and investigation. It certainly, however, appeared from other parts of his observations that on his part, at any rate, further inquiry and investigation were needless. If the House agreed to a Committee, he thought they must do so with the distinct understanding that it was one which was proposed with a view to the abolition of the Protestant Church in Ireland, and that, as the hon. Member had said, nothing short of religious equality would, in the opinion of those who brought forward this Motion, satisfy the justice of the case. [Mr. MOORE said, that he had quoted the words of the noble Lord the Member for the City of London.] The hon. Member had, it was true, quoted the noble Lord; but in doing so, he had also adopted the sentence. He apprehended that this religious equality meant the total destruction of the Irish Established Church—an opinion in which he was confirmed by the other quotation given by the hon. Member of the opinion given by the right hon. Gentleman the Member for Bucks. The hon. Member appeared to have fallen into the common error of attributing all the evils of Ireland to one cause. At one time they were attributed to the spirit duties, at another to imperfect registration, and at various times to a variety of other things; while the right hon. Gentleman opposite (Mr. Disraeli) had summed them up in one terse sentence—"a starving population, an absentee aristocracy, and an alien Church." The hon. Member (Mr. Moore) attributed all the evils of Ireland to one single cause—the existence of the Established Church. But if Ireland had had the best Church in the world, the same evils would have been developed under a starving population and an absentee aristocracy. He (Sir John Young) believed that the evils of Ireland might be traced in the main to a bad system of commercial legislation, and a wrong system with regard to the general treatment of the people, and that a very small portion of the evils that now existed in Ireland could be laid to the door of the Established Church. The hon. Gentleman said, that the endowments of the Established Church in Ireland were not attached as a tax either upon the Roman Catholics or the landed property of Ireland; but that they were trust property, originally set apart for the use of the Roman Catholics. In his remarks upon this point he seemed, however, to have overlooked the operation of that principle of law—prescription, which had contributed more than any other to the happiness of the community: and his proposal to divert this property from the uses to which it had been devoted for the last 300 years would clearly be a violation of that principle, which, as he (Sir J. Young) believed, was more beneficial to society than almost any other principle of law. He was, he must confess, scarcely prepared to anticipate that a Roman Catholic Gentleman would have come forward in that House to advocate the total abolition of the Protestant Church in Ireland. He had thought that the hon. and learned Gentleman would rather have contented himself with the advocacy of one of those modified schemes which had been put forth. He

(Sir J. Young) should in that case have shown that, although there was room for a better distribution of the revenues of the Church in Ireland, and although it was desirable that the friends of the Church should undertake a more equitable distribution of that property; yet that still its property was not more than sufficient for the purpose, on the assumption that it was the will of a majority of the people of England that there should exist a Protestant Established Church in Ireland. If that were, as he apprehended it was, undeniably, the case, very little fault could be found with the parochial system at present existing in Ireland. If there was any fault, it was that the parishes were too large, and the ministers were too few; and if that parochial system was to remain it could not be denied that the revenues of the present Irish Church did not afford more than an adequate maintenance for the clergy required to perform the ministrations of the Church to the Protestants, who, though few in number, were scattered over the whole country. After making an allowance of 45,000*l.* for the curates, whose services were indispensable, there remained only an average of 210*l.* per annum for each incumbent. The education of a clergyman did not cost less than 500*l.*; and yet, if they compared this remuneration with that received by persons entering situations either in public offices, or even with that of clerks in large commercial establishments, they would find that on an average clergymen were losers, as compared with the others, at least 100*l.* on the first ten years; and on the second of 1,000*l.* at least. No doubt, if some great public emergency arose, and there was a great call on the part of the influential and intellectual classes in this country, for some great change in the Irish Church, it might be for the advantage both of the State and the Church to make a sacrifice to obtain peace, and to give up a certain portion of the revenues of the Church in order to obtain tranquillity and a certain and permanent security for the remainder; but at the present moment there was no such emergency, and there was no agitation in the public mind in the direction of this Motion. Instead of a demand that the property of the Church of England should be sacrificed either for secular or for Roman Catholic purposes, the tendency of the public mind was rather the other way, and great alarm and jealousy existed with respect to Roman Catholic objects and designs. He (Sir J. Young) was one of those who thought that the Protestants of these kingdoms were justified in these feelings of alarm, and that anxiety and jealousy were likely to be increased rather than diminished by such a Motion as that now brought forward by the hon. Member for Mayo; for there were many Protestants in this country of moderate views, quiet and well-judging men, who did not wish to stir up religious strife, but who yet, when a question of this kind was brought forward, would revert to the time when the Roman Catholic Relief Bill was under discussion, and compare this Motion and the speech by which it was introduced with the assurances then given by the most distinguished Roman Catholic leaders and prelates of that day, that the removal of the religious disabilities of the Roman Catholics would not be prejudicial to the interests of the Protestant Established Church. Mr. Plunket, the acknowledged organ of the Roman Catholics during their struggle for emancipation, when referring, in 1821, to a speech delivered by Sir Robert Peel on this question in 1817, said—

> "There are some who really think, and some who affect to think, that great dangers may result to the Establishment from concession. I declare solemnly, that if I could enter into that opinion—if I could see anything of peril to the Church or the State—dear to me as are the interests of my fellow-men, I would abandon these long-asserted claims, and would range myself with their opponents."—[2 *Hansard*, iv. 980.]

In a subsequent part of his speech he added, "I will only say, on the part of the Roman Catholics, that they harbour no principle of hostility to our Establishment." If that eminent man had been living now, what could he have said to the speech of the hon. Member for Mayo (Mr. Moore)? The hon. Gentleman had referred in rather slighting terms to the Treaty of Union, though it was only the other evening that the provisions of that treaty were appealed to by those who sat near him upon a financial question. The Established Church in Ireland was, no doubt, before the Union, the Church of a minority, but the Members of the Irish Parliament were exclusively those of the minority; and it was quite clear, from the terms of the Act of Union, that what they meant to do by it was to defend the dignities and temporalities of the Church, and to see that no part of its property should be diverted from the Church, except for purposes advantageous to it. He could not, therefore, see how the Irish Parliament, having ceased to exist, and there being no body now in existence as the representatives of the Irish Protestant body, the Imperial Parliament could absolve itself from the contract on any principle of good faith. It was, indeed, obvious that if any real advantage could be gained to either the State or the Church from a different allocation of the property, no one could deny the omnipotence of Parliament to make such an arrangement. Indeed, within the last twenty years the revenues of that Church had been greatly curtailed by the operation of the Tithe Commutation and other Acts, such as that for the abolition of ten sees, and for the suspension of any benefices in which Divine service had not been performed for three years. Moreover, not less than 100,000*l.* per annum had been taken from the Church and given to the landlords for collecting and paying the tithes into the hands of the clergy: a great amount of retrenchment had been carried into effect, and the Church of Ireland had been thereby greatly reformed. And now, when the hon. Member for Mayo asked them to go into Committee with a view to make further retrenchments, it was natural to ask, what effect had the changes and retrenchments already made produced? And the reply must be, None whatever; for, according to the hon. Member, the presence of the Establishment was quite as obnoxious to the Irish people as it was before it underwent these retrenchments and reforms. What encouragement was there, then, to induce Parliament to assent to this Motion? Suppose the result of an inquiry before a Committee was the surrender of another 100,000*l.* or 200,000*l.*, what advantage would be gained? Only this—that the vast number of the Protestants of England and Ireland would be convinced that the amount of money that the Church possessed was not the grievance, but that, so long as a vestige of the Irish Church remained, the people of Ireland would not be satisfied. The hon. Gentleman said that the endowment of the Establishment was not a tax on the Roman Catholics; and certainly it was not. But in that case it must be a mental grievance. They viewed the Church with jealousy, rejected its doctrines, and disliked its teachings. But, if so, what must be the feelings of Protestants, when a proposition was made to abolish their Church? And were they not to be taken into consideration? If the hon. Gentleman should succeed in obtaining a Committee which should take away the endowments of the parochial clergy, what did he propose to do with the churches, a great part of which had been kept in repair by voluntary subscriptions amongst Protestants? Out of 900,000*l.* that had been spent in the erection or repair of churches of late years, 700,000*l.* had been so subscribed; was it thought that churches, two-thirds of which had been built by Protestants, and which were wholly kept in repair by them, could be allowed to go to ruin without producing a bad feeling in the minds of Protestants? He did not know that he need add anything more to the objections he had already urged against the proposal before the House. He thought that the present Motion was a most unfortunate and ill-timed one on the part of the hon. Gentleman. He believed that if the House agreed to a Committee, knowing that it was not for any real inquiry—not for the purpose of improving or rendering more efficient that Protestant Church which had of late years been so greatly reformed, and whose ministers at the present moment were as useful, efficient, and virtuous, as those of any Church had ever been—that Church in which the abuses that had been long complained of no longer existed, in which the scandal of pluralities, non-residence, and sinecures, had been abolished—if, he repeated, they agreed to a Committee, which they were distinctly told was asked for with a view to the total abolition of such a Church, they would give a great shock to the public mind of this country; they would lead sober-minded people to think that no faith whatever was to be placed in the declarations of Parliamentary leaders; and they would shake to their foundations all ideas connected with property and prescription in this country. For these reasons he should certainly oppose the Motion of the hon. Member for Mayo.

Mr. MURROUGH: Sir, I deem the hon. Member for Mayo entitled to the consideration of this House for having brought forward this Resolution, not only because it is no party question, and from the manifestations of applause on the other side of the House, I perceive that no succession to office is in anywise involved in its decision; not merely because it deeply affects the interests and the feelings of a peculiarly sensitive, conscientious, and religious people, but inasmuch as it may afford some test to those representatives of popular constituencies, whose impatient and undisciplined minds could not brook the delay which was necessary for the formation of a progressive party, how far they have been justified in hustling into office the present Government with all its conservative tendencies, and at the expense too of a plebeian Minister, who, numerous as undoubtedly were his faults (and during his brief career in office he paid the severest toll to censure which the most malignant envy could impose), still he had pronounced the Irish Church Establishment a monstrous evil; he was not bound up in his own finality—he was not styed in the prejudices of a University—and his predilections in favour of your ecclesiastical establishments were not reputed to be those of a bigot. But when I remember the letter of the right hon. Gentleman the Chancellor of the Exchequer of the 1st of January to his friend Mr. Greswell, in which he states that the interests of the Church are as safe under the present Government as under that of their predecessors; when I recollect that when my hon. Friend the Member for Cork brought forward his Resolution on the subject of ministers' money in Ireland, he was met with a negative vote on the part of the right hon. Gentleman, and an equally negative absence on the part of many of his Colleagues; when I call to mind the existence of those mysterious influences through whose procurement the third clause of the Canada Clergy Reserves Bill was withdrawn; when I recur to the language of the noble Lord the Member for the City of London, uttered a few nights since, in which he stated that he was prepared to resist to the utmost of his power every conclusion which might in any way tend to the displacement of the Church Establishment from its paramount and unrivalled predominance; and when I present to my mind the fact that that party of which the noble Lord is the acknowledged leader in this House, have never been the very zealous advocates of religious liberty, save when that lust for office, which is their ruling passion, has been evoked—a passion to which you, the representatives of liberal constituencies, have ever been the too subservient ministers;—I must confess that I see no just cause for any abatement of that distrust which I feel towards the Government, or any diminution of that solicitude which I entertain on behalf of the people of Ireland. But I derive some solace from the reflection that in this conflict Ireland stands not alone: great, powerful, populous, Protestant England is at this moment arraying herself for the struggle in favour of religious emancipation; the Nonconformists will not tamely submit to the decision of the other night on the subject of the odious impost which oppresses them: they have the power of converting their minority into a majority—for of your constituencies they form a most numerous and at the same time a most intelligent and vigilant portion; neither is the time, speaking in comparison with a nation's annals, far distant when the doors of this House must be opened not only to one semi-Austrian millocrat, but to English-born Jews who have never contributed a single florin towards the corruptions of a City of London election; but I derive still more encouragement from your recent legislation on the subject of the clergy reserves of Canada; but perchance in that case you yielded to your fears that which you would have denied to justice: you knew that Canada was separated from you by a world of waters—that she was under the protecting influences of an invincible republic, and that her soil was not fitted for the reception of a coercive and fanged legislation, or that the crop of Cadmus would be the inevitable harvest of such culture. From the icebound shores of Labrador to the gulf of Florida the vast Atlantic rolls an unbroken wave contagious with freedom upon an undivided continent; and you must have felt that Canada, that giant appendage of the English Crown, could burst asunder almost without an effort the feeble withs with which your perpusillic powers have bound her. But perchance I do you wrong; yet, if in the case of Canada you deviated into right from an adherence to principle, with what grace can you now meet the demands of Ireland with derisive smiles or contumelious negatives? Is it because her advocates come unarmed to ask them?—because, as your helots, they are powerless to enforce them? When you were in opposition, and for the purposes of faction, you were accustomed to refer to the opinions of the late Sir Robert Peel; do not flatter yourselves that you can ever form the pediment on which Sir Robert Peel's reputation is to rest. The volume of his career requires not the meretricious aid of your illustration; but in some things you will do well to follow his example; he, too, was once a Member for the University of Oxford; it was the cradle, and in obedience to those feelings of justice which were always paramount in his breast, he made it the grave of his most romantic friendship and his loftiest aspirations; and had he been spared to his country till 1853, he might have been unwilling to have left the legislation of 1829 imperfect and inconsummate. The right hon. Gentleman the Secretary of State for Ireland has told us that there is no agitation in Ireland on this subject. Does he wish that, in order to obtain justice, the Irish should emulate the example of the Scotch, and cut the throat of an archbishop? If so, I do not think that the Protestants of Ireland will feel grateful for his advocacy. The right hon. Gentleman has referred to the bygone authority of Mr. Plunket. I am ready to admit that every opinion of Mr. Plunket is entitled to the greatest respect and consideration; but I must confess it occasioned me some surprise to hear the opinions of Mr. Plunket, expressed so many years ago in defence of the Irish Church Establishment, uttered by one sitting on the Treasury bench, surrounded by the authors of the Reform Bill, who, within the narrow limits of my own mimetic experiences, have destroyed institutions ancient as our civilisation, and subverted privileges coeval with the constitution of the country. But, says the right hon. Gentleman, what is to become of the churches kept in repair by Protestant funds? Sir, I deny this to be the case; the greater part of them were reared by Catholic hands, dedicated to Catholic saints, endowed by Catholic devotion, and since the Reformation have been sustained by cess levied upon Catholic property. I maintain, therefore, that the title to these fabrics, both by descent and purchase, exists in the Catholics of Ireland. In your successive Speeches from the Throne you have caused lips consecrate to truth to utter the language of your dissimulation; you affect to regret the disturbed state of Ireland; I tell you that you have no right to expect that the public mind of Ireland will be tranquil while the corroding blister of your Church Establishment is upon her. Perchance there may be those who deem my language upon this occasion somewhat strong for one in communion with the Church established; but who shall say that it is stronger than the occasion justifies, for as a member of that Church I have at once the mortification and candour to acknowledge that you have rendered your ecclesiastical system odious to the people of Ireland; and that, although with proper culture the doctrine of the Reformation might have flourished through the land a goodly plant, yet you have nurtured it in oppression and watered it in tears, until it has become mandrake in its nature, and groans are its perpetual exhalations.

MR. POLLARD-URQUHART would not have troubled the House with any observations but for the strange nature of some of the arguments which he had heard. He had heard it argued that the Protestant religion ought to be maintained in Ireland because it was the true religion. He would not stop to ask persons with such views where was the proof of their infallibility; but he would ask them to consider the dangerous consequences of their doctrine. If the presumed truth of a system were admitted as an argument for its support, how could they deny an equal right in those who held a contrary opinion? Would they not allow every Roman Catholic to entertain the same views himself about his own religion? and if they did, how could they deny the right of those who conscientiously held the Protestant religion to be false to exert every means for its destruction? If, again, they contended that the Irish Church was the inevitable consequence of English connexion, could they wonder that the Irish people looked with disfavour on that connexion? And although he could not quite agree with the hon. Member for Mayo as to the extent of disaffection existing among the Roman Catholic population of Ireland, yet he thought the measures adopted to maintain the Irish Church Establishment on high religious grounds had produced more evil and disaffection than any political or economic cause whatever. He had heard it said also that Ireland was a conquered country, and must, therefore, adopt the Church of her conqueror; but what could the feelings of the people be expected to be if they were continued to be treated as a conquered nation, and laws forced upon them which could only be justified by the rules of conquest? Was it possible to conceive anything more calculated to irritate the feelings of the Roman Catholics than to teach them thus to regard every penny of church dues they paid as a tribute to an invader, and every church steeple they beheld among them as a badge of conquest? He could well understand that these doctrines might have been prevalent at the time of the first establishment of the Church in Ireland. Hallam, the Protestant historian, stated that there were three arguments in favour of the compulsory establishment of the Protestant Church, which no one could at that time have disputed without being accounted a lover of unreasonable paradoxes. The first was, that the Protestant religion being true, it was the Queen's duty to take care that her subjects should follow no other; the second was, that, being an absolute monarch, or something very like it, she had a better right to order what doctrine her subjects should believe than they could have had to choose for themselves; the third was, that Ireland, being a conquered country, must wait in all important respects on the pleasure of England. He could fancy that opinions of that description were maintained at the time of the establishment of the Church, but could not conceive them at the present day; but if they did endeavour to continue an institution established on such unjust grounds, they must rule the country by the sword. During the last century Ireland had been ruled by the sword, and had been kept tolerably tranquil—but what had been the results of such a rule? They saw them in the evidence of the Poor Law Commissioners, of the Famine Commissioners, and of the Devon Commissioners. It was quite evident they could not now continue to rule Ireland by the sword—the spirit of the age and the feelings of the English people would not permit it. But if it was to be ruled as a free country, why were those institutions to be maintained which no free country could endure? Let them look at the different remedies that had been at different times applied to Ireland which were to restore her to prosperity and happiness. They had applied every nostrum. There was Catholic exclusion and Catholic emancipation, poor-laws and no poor-laws, productive employment and non-productive employment, and all had ended in disappointment. What was the reason of the failure of all their well-meant endeavours? Does not the common sense of mankind, does not the testimony of almost every impartial writer or traveller, do not all the methods of observation and reasoning that have been recommended by philosophic politicians, point out the same cause, namely, the Church Establishment, as producing the greatest evils to Ireland. In all parts of the Continent, at every *table d'hôte*, or in the *salons* of the large cities, the same observation was made. The history of Ireland, compared with that of other countries, presented the strange spectacle of a most fertile country maintaining a miserably poor population. If it could be shown that no other country presented such a spectacle, and that it was the only country in the world where a similar Church Establishment was maintained, that fact would afford a strong presumption that the cause of the existing evil was to be found in the Church Establishment itself. But if it could also be shown that when the attempt had been made in any other country to introduce a similar system, the same results had followed as in Ireland, that presumption must be considerably strengthened. He would not go back for an instance to the Pagan times; the only instance in Christendom was when an attempt was made, under the reign of the Stuarts, to establish Episcopacy in Scotland. Scotland then became as much disorganised as Ireland; but upon the attempt to establish Episcopacy being relinquished, it was restored to order and prosperity. If, then, the evidence of intelligent persons, and the analogy of history, pointed out that the Church Establishment had been the cause of all the sufferings of Ireland, he would ask, was it reasonable that it should be continued in its present form? Why should they not abandon a policy in Ireland which could not be maintained in Scotland? He was told that the Church of Ireland was a necessary part of British connexion, and that it was necessary to maintain it according to the articles of the Act of Union; and people argued this point as if the Union were considered to be the dearest portion of the constitution by the people of Ireland. The right hon. Gentleman the Member for Cavan (Sir J. Young) said they would be guilty of a breach of faith if they altered an arrangement which had been entered into at the time of the Union; but they had undone many arrangements during the last ten or eleven years, and they should not be so very particular on that ground. It was said that the Established Church in Ireland was the consequence of the British connexion; but why should they adopt means to maintain British connexion across the Channel, by which they could not establish it beyond the Tweed? It was said that the evils of Ireland were not so much political and religious, as social and economical. He thought all the experience of history and the judgment of reflecting men proved the immoral effects of bad laws, which pervaded every thought and affected every action of the people among whom they were in force. He would refer to what was said during the famine in Ireland. They were reproached with an inveterate tendency to job on that occasion, and he believed that in many cases the reproaches were unfounded; but how could they be surprised at the existence of jobbing, when an institution that should teach religion and morality was one of the greatest national jobs? Let it be remembered that before the year 1833 there were four archbishops and a large number of bishops to take care of a Protestant population scarcely amounting in number to one-half of the Protestants in the diocese of London; and, he believed, not more than double the number of English Protestants now scattered over the Continent, who were a sort of extra charge to the diocese of London. These offices had not even been made sinecures for learned men and eminent divines, but had been mere places for members of the great and noble families of Ireland. He found, on looking over the names of the church dignitaries of Ireland, that there had been contemporaneously two bishops and one archdeacon bearing the noble name of Knox, and that there were also contemporaneously an archbishop, a bishop, and one archdeacon bearing the name of Beresford. He thought that at some future day, when the history of these islands belonged to antiquity, it might be a matter of debate among the learned whether the Established Church in Ireland was for the good of the people or of the Beresfords; and some future lexicographer might define the church as an institution for the benefit of the people in England, and of the Beresfords and Knoxes in Ireland. Perhaps they thought this an Irish exaggeration. Let them hear, then, what was said by the most matter-of-fact of English historians, Mr. Hallam:—

> "It seems as if the whole connexion of the two islands, and the whole system of constitutional laws in the latter, subsisted only for the sake of securing the privileges and emoluments of a small number of ecclesiastics, frequently strangers, who rendered very little return for their enormous monopoly."

A great many persons talked of the inalienability of Church property, but it must be remembered that that argument cut in two directions. Some persons thought the Church ought to be the religion of Protestants, and others that it ought to be the religion of Roman Catholics; and what the one party regarded as their right to church property, the other party might look upon as little else than church robbery. There were persons who admitted the anomalous character of the Established Church of Ireland, and who acknowledged that many of the evils under which that country laboured flowed from this institution, but who considered that, having existed so long, it ought not to be meddled with. He was extremely sorry to think, as a sincere Protestant, that a Protestant institution could be maintained upon no better ground than as a sort of antiquated abuse. The right hon. Member for Cavan (Sir John Young) had said that there was not now any agitation on this subject, but that if there had been any very strong feeling evinced it might perhaps have been desirable to deal with the question. Now he (Mr. Pollard-Urquhart) regretted to hear him advocate that most pernicious system of policy so well described by the right hon. Member for Buckinghamshire, in *Coningsby*, namely, to concede nothing to reason, and everything to agitation? He thought the late Sir Robert Peel had used very unfortunate language on this question when he said, "I can do nothing to the Irish Church until the overwhelming necessity of the times compels me;" and he regretted to hear the Chief Secretary act in conformity with that language. The right hon. Member for the University of Oxford (the Chancellor of the Exchequer) had observed, not long ago, that if they were not to continue the Maynooth grant, it would be necessary to reopen the whole question of ecclesiastical endowments in Ireland; and he (Mr. Pollard-Urquhart) thought that most persons who had observed recent events must be convinced that before many years had elapsed the Maynooth grant must be abandoned. He asked the House to reflect upon the irritation which the withdrawal of that grant would cause in the minds of the Irish people, and upon the spirit in which they would then be likely to receive any concessions with respect to the Established Church. He called upon them to consider, therefore, how much better it would be to do an act of justice now, than to defer it till some future time, when, if it were done, it might be looked upon, not as a favour, but as extorted from their fears. Sir Robert Peel, in his speech respecting the encumbered estates in Ireland, had stated that the prosperity of Ireland was of more importance to them than anything connected with Canada or the Colonies; the two countries were united so closely that they must sink or swim together, and if they did not elevate Ireland, Ireland would surely bring this part of the

United Kingdom to a level with herself. Let them do something for Ireland while the time was favourable, and raise her to a position which would render applicable to her the words that had been used by the right hon. Member for Edinburgh (Mr. Macaulay) to describe the improved state of Scotland—"We raised Scotland from one of the poorest, most disaffected, and most turbulent parts of the United Kingdom to her present state of order, industry, and prosperity."

Sir R. H. INGLIS said, that in one portion of the remarks of the hon. Gentleman who had just resumed his seat he perfectly agreed—namely, in the very just criticism which he had delivered upon the argument of the right hon. Baronet the Member for Cavan (Sir John Young), who that evening had come forward as the organ of Her Majesty's Government; because anything more weak—anything less effective for its purpose—in fact, anything more entirely destructive of the avowed principle which it professed to defend, than was that argument, it had never been his fortune to hear. Nor had its weight or influence been increased when coupled with the authoritative name of Sir Robert Peel; for substantially it was nothing more than this—"If you agitate sufficiently, we have not sufficient force to resist." Why, was not that holding out a premium to agitation?—was it not in effect to say, "Because there is no sufficient manifestation of public opinion out of the House, and no sufficient interest excited in the House, I will resist a proposition which otherwise I might be unable to oppose?" But the question was not of numbers in the House or out of the House—it was a question of right. The hon. Gentleman who had just spoken had, indeed, found it convenient to slur over the Union compact; but he (Sir R. H. Inglis) begged to remind the House that the Act of Union was not, like other Acts of Parliament, passed in the early part of the Session, to be repealed or not before its termination, according as the House might deem fit. No; it was a solemn compact between two nations previously wholly independent of each other. The Union with Scotland was one such instance—that with Ireland was another; and neither party was now at liberty to consider whether the stipulation was, according to their estimate, injurious to their particular interests. Now that Act of Union—that solemn compact between two independent Legislatures, provided as an essential feature that the Church of Ireland should be maintained absolutely and undisturbed. The Church of Ireland, in one sense indeed—as he (Sir R. H. Inglis) had stated to the House, had ceased to exist from that day—as also had the Church of England, for the two had become one undivided, and, he trusted, one indivisible body—the United Church of England and Ireland; and, therefore, no attempt to shake the foundations of the property of one, could be without effect upon the security of the property of the other. But since that security was not a mere parchment security—for he would advert to the oaths taken by Members on their entry into the House, that they would not disturb the property of the Established Church as by law existing—what, then, was the meaning of the proposition of the hon. Member for Mayo (Mr. Moore)? Why, in the present instance, as in hundreds of others, the terms of the Resolution did not imply all that the language of the speech conveyed, and even his speech probably professed less than was meant. It might, perhaps, be a matter of literary curiosity for the hon. Member for Mayo to determine whether the Established Church had effected all that her friends could have desired; and they must all know that it was not the mere gratification of an abstract curiosity that the hon. Gentleman wanted; and when the House listened to the language which had been used—when it heard the words "monstrous job" applied to the Establishment in Ireland—and all its usefulness ignored, it behoved them not merely to confine their attention to the terms of the Resolution, but they must consider also the *animus* and words of the speaker who introduced it. But did the Church in Ireland deserve the opprobrium and reprobation which had been cast upon it by the hon. Gentleman? Had it, even in the judgment of those not attached to it as members, deserved to be visited with that opprobrium with which he (Sir R. H. Inglis) had heard it denounced both in and out of that House by those who ought to be its friends? Had it been so denounced in the judgment of one of the most intellectual of those who were not in communion with it—he meant the late Dr. Chalmers? He (Sir R. H. Inglis) would ask, had it not been the means of especial graces and blessings—not alone as regarded conscience, but—of great general instruction and great social benefit to the people of

Ireland? Had not its clergy ministered, he might say, as angels, in recent times of want and affliction to their poorer brethren in a manner which had never been excelled? [Mr. G. MOORE: Hear, hear!] He thanked the hon. Gentleman for that cheer—it was an honest acknowledgment, honourable to his heart. But with the permission of the House he would quote a passage from the writings of Dr. Chalmers—who, be it remembered, was no bigot, or member of the Church of which he spoke, but attached to one differing essentially in its organisation from the Church in Ireland. He said—

> "I hold the Established Church of Ireland, in spite of all that has been alleged against it, to be the best machinery for the moral and political regeneration of this country. Its overthrow I should hold to be a death-blow to the best hopes of Ireland. It must be well manned—the machine must be rightly wrought before it can answer its purpose. And the more I reflect upon the subject, the more I feel the highest and deepest interests of the land are linked with the support of the Established Church. All is provided if that Church is well fostered and patronised."

Now those words reminded him (Sir R. H. Inglis) that the Irish Church had much more to complain of its friends than of its adversaries. She might have said, "Save me from my friends!" to the speech delivered by the Chief Secretary for Ireland (Sir John Young) that evening. He, too (Sir R. H. Inglis), might exclaim, Save her from having men placed in the highest offices within her, as was formerly the case, merely on account of their birth and political connexions. That, however, was a circumstance not to be alleged against the Church herself, but against those who had the distribution of the patronage. But when he heard the name of Beresford mentioned in terms of depreciation—brought forward to swell the list of charges against the Church of Ireland, he should have felt ashamed of himself if he did not raise his voice to declare that there was one Beresford on the episcopal bench who would confer dignity upon whatever establishment he belonged to—a name ennobled, in every sense of the word, by its spirit, by birth, and by fortune—a fortune distributed through life with the most princely generosity. At all events, that was an appointment which proved that Government patronage was not invariably bestowed upon those who were unworthy of it. To meet much that had been said that evening, it was enough to say that the question was not one of religious truth or falsehood. [Mr. G. H. MOORE: Hear, hear!] In his conscience he believed the doctrines of the Church of England to be true, and he would never deny the fact for the sake of any cheer, no matter how otherwise flattering to his feelings. But it was not on that account that he called upon the House to support the Church Establishment of Ireland; he did so because every Member of that House, be he Roman Catholic or Protestant, held his seat under a solemn pledge and obligation to maintain the Established Church of England and Ireland as an integral part of the constitution of the empire; and, more than that, each individual Member belonging to the Church of Rome assumed a most binding obligation to abstain from any course which might imperil the security of the property now possessed by the Established Church in Ireland. And though, in breaking through that obligation, hon. Gentlemen might declare that they were only walking in the footsteps of English and Protestant Members, still there were independent considerations debarring them from such a course. He wondered how any man who had read the Act of Union could seek to destroy the national existence of the Established Church of Ireland, merely because, in his abstract views of the subject, he believed that it was not profitable to the majority of the people. It should rather be considered as a fundamental law of the empire, which enshrined the Church in the constitution of the United Kingdom, and that every Member of that House had bound himself by a solemn oath to protect that Church, or, at all events, not to do anything that was calculated to undermine it. Under these circumstances, without knowing what the words of the Resolution intended, but from the general conduct of those who brought the Resolution forward, and still more from the unequivocal speech of the hon. Member for Mayo, he might well judge what the object of the Motion was; and he regretted that the right hon. Gentleman the Secretary for Ireland did not meet the question on the only ground on which, he thought, it ought to be met—namely, on that of principle. He would resist the proposition, not on temporary or partial grounds, but absolutely and singly upon the ground of that duty which he owed to the United Church of the two countries—a branch of which was established in Ireland—a duty that was equally incumbent upon every other Member to discharge in obedience to the oath he had taken, to do nothing that should injure that Church in its rights, any more than in its doctrines and principles, namely, to oppose a Motion which, if carried, would have the effect of weakening the Church as by law established.

Mr. GARDNER hoped hon. Members were not prepared to do what the Secretary for Ireland had stated he was ready to do—namely, to maintain the Established Church in Ireland at all hazards, and under all circumstances. He hoped, moreover, that they were not prepared to adopt another suggestion of the right hon. Gentleman—a suggestion which appeared to come from that quarter with particularly bad grace—namely, to wait the force of circumstances, and yield to violence what they had long refused to reason. Neither could he agree with the right hon. Gentleman that the injury the people had suffered from the Establishment had been small. He (Mr. Gardner) admitted that the injury inflicted by the Church in Ireland in the present day was inconsiderable; but he had been accustomed to refer by far the greater part of the misfortunes of Ireland, whether political, social, or commercial, to the abominable penal enactments of the last century, which were most undoubtedly passed to further the interests of an indefensible institution. For himself he remained unconvinced of the contrary; even after the speech of the hon. Baronet (Sir R. H. Inglis), whose arguments appeared to him to have added no cogency to the case put forward by the Secretary for Ireland. The truth was, that the poverty which characterised the arguments of those hon. Baronets, was owing to the consciousness they had, that they were the advocates of a thoroughly bad cause. He was himself opposed to Establishments on principle; but still he admitted that a great deal might be said in favour of such an Establishment as existed in this country; but such an Establishment as that that existed in Ireland nothing could justify. He should have preferred that this Motion had come from another quarter; but believing, as he did, that nothing could be worse than the existing state of things, he should give the proposition his hearty support, and he trusted the time might shortly arrive when they would bring to the discussion of Catholic claims a spirit more just, more rational, and, he might be permitted to say, more religious.

Mr. NEWDEGATE said, that the House had heard it stated that the Established Church of Ireland had been the cause of many evils in that country; but hon. Members who entertained that opinion had not stated what that Church had done to deserve this accusation? The clergy of the Established Church were not turbulent nor disaffected, nor had they during the famine, or at other times, manifested a want of charity for their suffering neighbours. Was it because the Church of Ireland was in a state of torpor that its existence was complained of by the Roman Catholics? Or was it because that Church was active and daily spreading its doctrines and its ministrations among the people of Ireland, and because the people were showing their appreciation of the blessings which the Church dispensed, by flocking over to it in thousands? Which of the two reasons was really influencing the supporters of the present proposition? It was notorious that the people of Ireland were quitting the errors of the Church of Rome, and attaching themselves to the Church of Ireland in multitudes. It was notorious that they were flying from the domination of the Church of Rome, and seeking the freedom of the Church of England. Some hon. Members seemed to hold that fact an argument for the destruction of the Established Church in Ireland; but no Protestant, no man who deserved to be considered tolerant, far less liberal or just, would sanction such an argument. The true purport of this Motion was the destruction of the Church in Ireland. This was one of the two objects that had been decided upon by the Synod of Thurles, which was presided over by that emissary of a foreign Power, the Legate of the Pope, Dr. Cullen, who was intruded upon Ireland contrary to the law of the United Kingdom and of Europe. The first object which he dictated to the Synod was the disturbance of the settlement of private property by the adoption of measures in respect to tenant right which were inconsistent with the rights of property; the second and chief object was the destruction of the Church in Ireland. These were the avowed objects of the Synod of Thurles, as stated by the Pope's legate, Cullen, and an association had been formed to carry out the decrees of the Synod, of which the hon. Member for Mayo was the representative in that House. ["No, no!"] Was not the hon. Member the representative of an association established under the auspices of the Synod of Thurles? This Motion was an organised attack upon the Protestant religion of the United Kingdom. The hon. Member for Mayo was following the instructions of Legate Cullen. [MR. MOORE: No!] He (Mr. Newdegate) should be much surprised if the hon. Member denied that he was acting up to the instructions of the Pope's legate in Ireland?

MR. MOORE: I have no such instructions.

MR. NEWDEGATE asked whether he was then to understand that the hon. Member for Mayo was not acting under the countenance and authority of Archbishop Cullen? Had not the hon. Member the support of Archbishop Cullen?

MR. MOORE: I really do not know whether I have or have not.

MR. NEWDEGATE said, he believed that the hon. Member was connected with an association in Ireland, the establishment of which had been recommended by Archbishop Cullen.

MR. MOORE: That is not the case.

MR. NEWDEGATE said, he was bound to yield to the authority of the hon. Member for Mayo, and he must, therefore, endeavour to suppose, that in making the present Motion, the hon. Gentleman was acting in contravention of the wishes of the Roman Catholic dignitary to whom he alluded. [*Laughter.*] He might, though he was not aware of having done so, have used some term, of which the hon. Member took advantage; but he asked him whether it was not the object of the Church of Rome to destroy the endowment of the Established Church in Ireland, and whether it was not in furtherance of that object he had brought forward his present proposition? He (Mr. Newdegate) asserted that this was the fact; he did not make the assertion without some authority, and he would now give his authority. In 1851, a dinner was given in Athlone, in honour of the hon. and learned Member for that borough (Mr. Keogh), who was now Her Majesty's Solicitor General for Ireland, at which the hon. Member for Mayo was present, and at which Dr. M'Hale, who was also present, used the following language, as reported in the *Morning Herald*:—

> "Dr. M'Hale responded to the toast, 'the Catholic Hierarchy of Ireland,' in a speech of a character usually remarked in most of the letters of his Lordship. In the course of his remarks, he said — So clearly are the temporalities of the Church the root, the centre, the foundation of all the discordant sects that are now warring against truth and the lives of the people, and the peace of the country, that we find professors of one sect abandoning the unfashionable conventicles of their sires, as soon as the light of orthodoxy and patronage breaks in upon their hopes, and dissipates all the darkness in which dissent from the favoured creed had involved them. The uncouth tenets of the Caledonian Kirk professed by the pious father are repudiated by the son, who grows wiser on the woolsack, and, forgetful of the early vows with which, like another Hannibal, he dedicated his sons to the hard service of John Knox, he lives to see one of them associated to that godless prelacy, on which, in union with Royalty itself, the puritanical apostle, the oracle of his father, was wont to hurl the most withering maledictions. [*Laughter and cheers.*] If the Irish representatives but perform their duty as faithfully and unflinchingly as those who have obtained the honourable appellation of the Irish Brigade performed theirs last Session, this never-ceasing spring of Ireland's calamities will soon be dried up."

He supposed that the hon. Member for Mayo would not now deny that he had the concurrence of Dr. M'Hale—no mean authority among the ultramontane priesthood and Roman bishops of Ireland—in the course he was taking? The present Motion was intended not only to strike at the funds and the property of the Church Establishment, but also to strike at every Protestant sect in Ireland. This Motion was aimed directly at the Protestant Church of Ireland, and, through that Church, at every form of Protestant religion in Ireland. ["No, no!"] That was precisely the purport of the words which he had quoted. The hon. Member for Mayo said he was the advocate of religious equality. That object might be attained in either of two ways: either by equality of endowment, or by a universal privation or refusal of endowment. In some countries the Church and Court of Rome sought and supported endowments, as in Belgium and in France. In other countries, as in Ireland, the Church and Court of Rome sought the destruction of all endowments, exactly as the Church of Rome found either course suited her exclusive, intolerant, and tyrannical purposes. Why did not the hon. Member propose the endowment of the Roman Catholic Church, if religious equality was his object? Because Rome could not pretend that equality was her real object. The hon. Member well knew that that Church, whether endowed or not, would never rest satisfied whilst any other religious sect was endowed. Let them look to the Continent, where Protestants were in a minority. Was there a single instance in which the Church of Rome, where it had the power, did not seek to take away the property of other religious establishments? ["Oh, oh!"] He would give his authority for making that assertion. The present Pope issued an Allocution on the 15th of November, 1851, in which he particularly pointed to two countries—namely, Spain and Tuscany. The Pope stated in this Allocution, that he had been negotiating with the Government of Spain. And what were the powers for which he had negotiated, and which he had obtained? What was the object to which they were directed? He hoped he might read the Pope's own words without offence, as the best exposition of the Pope's own intentions. In speaking of Spain, he said—

> "This, indeed, we have had, above all things, at heart, most anxiously to consult for the security of our most holy religion, and the spiritual affairs of the Church; and, therefore, you will perceive that the Catholic religion, with all its rights, which it enjoys by Divine institution and the sanctions of the sacred canons, is so singly, as heretofore, to flourish and be dominant in that kingdom, that every other worship is to be altogether removed and interdicted, &c. And with equal zeal have we taken care to assert the liberty and dignity of the ecclesiastical authority, &c.; but it has also been decreed that all the magistrates of the kingdom shall do their endeavour to secure that due honour, observance, and obedience shall be shown by all to the ecclesiastical authority and dignity. To this is added that the most illustrious Queen and Her Government promise to give all assistance by their powerful patronage and protection to the aforesaid bishops, when, in the exercise of their pastoral office, they shall have occasion to restrain the wickedness and audacity of those men, principally, who impiously seek to pervert the minds of the faithful, and to corrupt their morals, and when they have to scatter and drive away from their flocks the detestable and dire plague and ruinous evil of perverse books."

Such was the avowed object of the Pope in Spain. That potentate had brought the temporal power to bear in the way suggested by the document he had just read, so that the Church of Rome was the only form of religion which was to be permitted to enjoy property, rights, privileges, and authority, all other religions being altogether interdicted. In the same spirit which characterised this Allocution of the Pope, the representatives of the Roman Church, which was professed by the majority of the population in Ireland, were now proposing the destruction of the endowments of the Protestant Church, with a view to the destruction of all religion but that of the Roman Church. They had the interpretation of the Motion in the words of Dr. M'Hale—namely, that the agents of Rome should attack this endowment if they wished to undermine the existence of every Protestant sect. In reference to Tuscany, where there was a majority of Roman Catholics, the Pope, in his Allocution, said—

> "We now wish you to be informed that our most beloved son in Christ, Leopold II., Grand Duke of Tuscany, and Duke of Lucca, as might be expected from his distinguished piety, ardently desired that the laws existing in Tuscany might in some way be set in order, and adjusted in all those points which have reference to ecclesiastical laws. He, therefore, with earnest entreaties besought of us that we should, in the meantime, be pleased to make certain arrangements, since the same most religious prince has proposed and determined hereafter to enter on a full convention with this apostolical see, by which the ecclesiastical government and affairs in the regions subjected to him may be prosperously settled. Therefore, confiding in a firm and sure hope that the aforesaid our most beloved son in Christ will enter on such a concordat, according to our wishes, with the greatest possible celerity, we, meeting his wishes, some heads having been examined by our venerable brothers, cardinals of the Holy Roman Church, of the same congregation, placed over special ecclesiastical affairs, were in the meanwhile settled, which heads have been ratified by us, and by the prince himself. And by these heads or articles, among other things, it is decreed that the bishops shall have all liberty in fulfilling all those things which pertain to the sacred ministry, and may exercise censorship over writings and works which treat of things relating to religion; that they may freely apply their episcopal authority to keep away the faithful from any bad reading whatsoever, mischievous whether to faith or morals; and at the same time it is provided that they may all be able to communicate freely with this Chair of Blessed Peter, the centre of Catholic truth and unity, and that all spiritual and ecclesiastical causes are singly and altogether to depend on the judgment of the sacred power, according to the prescript of the sacred canons. But we received no slight joy in that our aforesaid most beloved son in Christ did not fail to promise and profess to us that he would devote all his resources and diligence to protect our most holy religion, to maintain Divine worship, and to encourage the honesty of public morals, and would be ready with his powerful assistance, by which the bishops might be enabled freely to exercise the episcopal authority."

The House had been informed of the fruit of this document in the persecution of the Madiai, for, although they had heard it said that the proceedings against those faithful Protestants were an outrage of which the civil authorities were guilty, he (Mr. Newdegate) had proved from the document which he had just read, on the authority of the Pope himself, that it was at the instance of the Pope that the civil power was put into motion. This was the tyrannical course which Rome pursued in countries like Spain and Tuscany, in which the majority of the population were Roman Catholic, and where Rome had endowments and the civil power at her back. In the United Kingdom, they saw the mode in which the Roman Catholic Church acted in countries where Roman Catholics were in a minority. Well, what was the agency by which this attack upon the Protestant religion was to be carried out in the United Kingdom? In 1851, the hon. Member for Mayo, following up the speech of Dr. M'Hale at the Athlone dinner, thus explained what was the duty of the "Irish Brigade," as his party was termed by Dr. M'Hale:—

> "But, gentlemen, while we thus send back our defiance to the challenge of Orangemen, let us not forget that there is another deeper, deadlier, more subtle, and more fatal foe, to whom we owe a debt of vengeance, with the scrupulous payment of which we cannot allow even Orangemen to presume to interfere, and Tories must be content to wait until we have first discharged towards the Whigs that preliminary duty. Business first, and pleasure afterwards. Let us first oust the Whigs, and then drub the Tories. With regard to the first, Lord John will not have it to say, that of the payment of that debt we seek postponement. We will discharge it with interest, and to the uttermost farthing. In this island, once so attached to their persons and so devoted to their policy, their policy has not an honest supporter, nor their persons an honest friend; and when the news that their destiny is at last accomplished shall reach our shores, there will arise from Cape Clear to the Giants' Causeway one universal shout of triumph and execration, which might almost arouse our famine-stricken dead from their very graves to swell. Thus let us endeavour to deal impartial vengeance between Whig and Tory."

Now he (Mr. Newdegate) did not think that he exaggerated the object of the present Motion, for it had been proclaimed without any attempt at secrecy. Nor did he think it possible for the House to doubt the agency which was intended to effect the objects of Rome through the paralysation of the constitutional action of the House itself. The hon. Member for Mayo had proclaimed that it was his determination, and that of those with whom he acted, to form a party which should so destroy the constitutional action of the House of Commons, that no Government should be possible but one that would obey their behests. He then (Mr. Newdegate), for one, even if he thought that the case of the advocates of this Motion was better than it was, would resist it, because he felt that he owed it to his country to defend its constitutional liberties. This was not merely an attack upon the Protestant Establishment of Ireland, but was directed against the very existence of Protestantism and against the free exercise of religion. He would say "No" to the Motion, with the fullest determination to persevere in his opposition.

MR. JOHN GEORGE PHILLIMORE said, he regretted the tone which had characterised the speech of the hon. Member who had last addressed the House. It was to his (Mr. Phillimore's) mind greatly to be deprecated that when a question of this kind was introduced into the House, history, instead of forcing us to acknowledge our errors, should be made a kind of magazine for the purpose of furnishing weapons to parties of different religious persuasions with which to attack each other. If he was disposed to follow the example of the hon. Member for North Warwickshire (Mr. Newdegate) it would not be difficult to point that hon. Member's attention to instances of persecution on the part of Protestant States quite as galling and far more sweeping than any which the hon. Member had laid to the charge of Roman Catholic States. No one could have travelled in Germany, within the last few years, but must have observed large bodies of Protestants fleeing from the dogmatical persecution of the King of Prussia. He mentioned that circumstance simply to show that arguments like those used by the hon. Member were of no avail whatever, and only tended to increase religious hostility; and the only safe course for the House to adopt was to disregard alike the indiscreet expressions uttered at public meetings and the violence exhibited by parties in other countries, and to look for reasons of mutual charity and good will. Therefore, the simple question the House now had to consider was—Did the Irish Church, as at present constituted, fulfil its high and important functions? In other words, did it minister to the spiritual wants of the Irish people? He did not dispute that it was a highly-endowed establishment, and contained among its functionaries a number of men of great ability and learning; but he asked the hon. Member opposite (Mr. Newdegate)—he asked any hon. Member in that House, having a regard for candour—whether in his conscience he believed that that Church was a blessing and a benefit to the people whose spiritual care and instruction it was meant to promote? He would ask whether, in the records of history, there could be found any instance of a Church which had been beset by a fatality which had made it rather the instrument of evil than of good? He would ask whether any Church ever owed its existence to any more inauspicious circumstances? He would ask whether there was any Church whose career had been marked, even up to a recent period, with a more disgusting indifference to the spiritual welfare of the people which it was meant to promote? It was neither his habit nor his inclination to indulge in any vulgar abuse of dignitaries of the Church, or of any Church; but they all knew that the station and functions of a clergyman did not preserve him from human failings and infirmities; and he (Mr. Phillimore) had a right to ask, as a Member of that House—as one who felt for the peace of the empire—as one who felt the affectionate support of so mighty a limb of that empire as Ireland, and, still more, the great assistance she was still capable of rendering us in cases of emergency—he had a right to ask whether there was not a cause in Ireland which was at the bottom of all this? Was there not something that paralysed their strength, and explained why they found discord where there might have reasonably expected to find peace and brotherly affection? He would ask whether they did not always find some cause at work rendering all their efforts to benefit Ireland unavailing? He would ask whether in every wound they did not find something that rankled in it and rendered its cure impossible? He said, but in no spirit of exultation, that the result of such inquiry as he had been able to bestow upon the matter, and of such a knowledge of history as he had had it in his power to acquire, taught him that at the bottom of all those feuds and animosities in Ireland, they would find religious discord and inequality. Believing that to be the cause, as he did, he could not desire that cause to remain, and he did wish that the proposition before the House, instead of coming from the hon. Member for Mayo, had come from Her Majesty's Ministers. He did desire to see the subject treated in a wise and statesmanlike spirit, and that if opposed by the Government that their opposition to it had been based on anything rather than the miserable ground of temporary expediency, which had been put forward by the right hon. Secretary for Ireland. With regard to the immediate feeling which animated him towards the Church of England, he confessed that he belonged to that Church, as, indeed, did all those who were dear to him; it could not, therefore, be conceived by any one who would judge of him with candour that he spoke on this subject with any feelings of animosity towards that Church. "*Ille erit, ille nocens, qui me tibi fecerit hostem.*" Indeed, he was connected with it by the strongest associations; but when a question like this was in issue, he could not allow himself to be warped by those feelings and associations, however dear to him; and for the sake of the Church itself he could not but wish to see removed that which had been too long a perpetual cause of discord—of triumph to its enemies, and of mortification to its friends.

Mr. ROSS MOORE said, that the advocates of the present proposition were compelled, from the consciousness of the weakness of their cause, to indulge in vague generalities. The hon. Member, as the foundation of his arguments, if they could be called such, stated that which he (Mr. R. Moore) trusted, for the honour of the Roman Catholics, was untrue—namely, that they were eminently a disloyal and disaffected body. He trusted that this was merely a specimen of Hibernian exaggeration. Although the Catholic portion of the population was not as loyal as they ought to be, yet he believed they were far from being as disloyal and as disaffected as their champion had represented them to be. He felt surprised to hear a member of the Roman Catholic Church asserting that the Roman Catholic population of Ireland were disloyal. Was it not in the memory of all those who heard him, that the warmest advocates of Catholic emancipation previous to 1829 had stated that the Irish Roman Catholics were then indeed disloyal; but if Parliament emancipated them, and gave them equal rights with those of Protestants, they would prove themselves a most loyal body. Their requests having been conceded, was it not now too much to be told that they were still disloyal, because the Established Church, which they had sworn never to undermine, still existed? A reference had been made to the opinions of eminent men by the hon. Member for Mayo. He would take the liberty of troubling the House with the opinion of as eminent a man as graced the age in which he lived. It was the opinion of Lord Plunkett; and it was completely at variance with that which had been expressed by the hon. Member for Mayo that evening. Lord Plunkett said—

> "With respect to the Protestant Establishment of the country (Ireland), he considered it necessary for the security of all property. He thought that there should not only be an Established Church, but that it should be richly endowed; and that its dignitaries should be enabled to take their stations in society with the nobles of the land; but speaking of it in a political point of view, he had no hesitation to state that the existence of

the Protestant Establishment was the great bond of union between the two countries; and if ever that unfortunate moment should arive when they should rashly lay their hands upon the property of the Church to rob it of its rights, that moment would seal the doom of, and separate the connexion between, the two countries."

That was the opinion of Lord Plunkett, the distinguished champion of Roman Catholic rights. What was the opinion expressed here to-night by their champion, who brought forward the Motion now under consideration? Why, that the destruction of the Established Church in Ireland was essential to the preservation of the Union, and to the peace and prosperity of the country. Destroy that Established Church, said the hon. Gentleman, and you will have the Roman Catholics of Ireland living in peace and happiness under the Protestant Queen of England. How different that was from the opinion expressed by Lord Plunkett, the House would at once perceive. He would refer to but one other authority—and that was the opinion of an hon. Gentleman who was now a Member of this House. That hon. Gentleman had recently written a pamphlet in support of the Roman Catholic religion, and also against the Protestant Church in Ireland. And in that pamphlet he adduced a number of facts, which, unfortunately for himself, turned out in many respects to be fiction, and relied on a great number of figures, which also, unforiunately, turned out to be false. But though the hon. Gentleman had exposed himself to the refutations of an able writer who had replied to him, still his opinions and arguments being those of an honest man were entitled to respect. The pamphlet to which he alluded was that of the hon. and learned Member for Kilkenny (Mr. Serjeant Shee), and the following extract from it would show that the opinion that hon. and learned Gentleman entertained was totally at variance with that which had been expressed to-night by the hon. Member for Mayo. At page 21 of his pamphlet the hon. and learned Gentleman thus wrote:—

"The Church by law established is the Church of a community everywhere considerable in respect of property, rank, and intelligence; it is strong in a prescription of three centuries, and in the support which it derives from the supposed identity of its interests with those of the Church of England. Nothing short of a convulsion, tearing up both establishments by the roots, could accomlish its overthrow. The notion of dislodging it from its temporal pre-eminence, in order to clear the way for three national establishments, among which its property should be equally distributed, is surely too primitive to be realised in our time. Nor is it by any means clear that such an adjustment would be desirable. Better, we say confidently, that the union of Church and State in Ireland should endure for ages, than that the State, by a divorce from its present spouse, should be at liberty to contract or intrigue for a new alliance. The true policy of the Roman Catholic Church of Ireland is, that its ministers, as respects their means of support, should be wholly independent of the civil Government, and mainly dependent upon the people."

Did that accord with the sentiments expressed here this evening by the hon. Member for Mayo? That hon. Member complained of the indignity to which the clergymen of his Church were subjected, by being made to pander to the caprices of the people whose voluntary donations they were dependent upon for their support. But that seemed not to be the opinion of the hon. and learned Serjeant. The hon. and learned Serjeant said—

"It is the interest, also, of the Protestant Church and of the State. Ours is the first Government in the history of the world which has found any difficulty in dealing with men who ask only the means of being useful to their fellow-subjects, and nothing for themselves."

The hon. Member for Mayo had, in an ironical vein, referred to a statement which was made by the hon. Member for North Warwickshire (Mr. Newdegate), on a former occasion, as to Roman Catholics, to the effect that when they emigrated from Ireland, and went to America, the great majority, or, at all events, a very great proportion of them, ceased to be Roman Catholics, and became converts to the Protestant religion. Now, that which the hon. Gentleman (Mr. Newdegate) stated on the occasion to which he referred, he gave upon the authority of a clergyman of the Roman Catholic Church itself (the Rev. Mr. Mullen, the Roman Catholic curate of Clonmellon), who was sent out as a deputation by the Roman bishops in Ireland to collect funds for their new university. This gentleman publishes the result of his inquiries about Irish Romanists in America, since the year 1825. His result is, in his own words, as follows—"Number lost to the Catholic Church, 1,900,000. Say, in round numbers, 2,000,000." Now, the hon. Member for Mayo said this was rather a bad argument in support of the Protestant Church in Ireland—namely, that as long as the people remained in Ireland they were Roman Catholics, but the moment they went to America they threw off Popery, and became good sound Protestants, because there was no Established Church there. Did it escape the hon. Member that another solution might be given to the matter in this way? True, the Roman Catholics whilst they remained in Ireland continued Roman Catholics, because they were under a power which coerced and condemned them to continue Roman Catholics; but take them to the land of liberty where the priests had not the influence which they possessed in Ireland, and there the people emancipated themselves; they were no longer Roman Catholics, but Protestants. It was not, however, because there was an Established Church in Ireland that they remained Roman Catholics there. It was because their own free will was not in action, in consequence of the spiritual dominion which was exercised over them by their own priesthood. Take away the Roman Catholic priesthood of Ireland; leave the people to the dictates of their own consciences and good sense, and then see if the same results would not follow in Ireland that were witnessed on the other side of the Atlantic. He (Mr. R. Moore) confessed he was somewhat surprised to hear the hon. and learned Gentleman who last addressed the House—himself an Englishman, though he had spoken so warmly in favour of the Roman Catholics of Ireland—wind up his statement by saying that he was a member of the Established Church, and one of its warmest supporters. After hearing that hon. and learned Gentleman slander the Established Church in Ireland in the manner he had done that night, he must say he could not regard him in the light of the warm supporter and the sincere advocate of the same Church in England that he professed himself to be. He stated that the Irish Established Church manifested the most disgusting indifference to the spiritual wants of the people over whom it was placed; but surely if the hon. and learned Member knew a little more of the Protestant Church in Ireland, he would never have given utterance to a calumny so discreditable to the source whence it emanated. "A little learning was a dangerous thing." The hon. Member just knew enough of the Established Church in Ireland to be able to point out its defects; but if he knew more of it, he would have been aware that its virtues ten thousand times overbalanced its defects, and that it did not manifest the disgusting indifference to the spiritual wants of the people which he had represented. If necessary, he (Mr. R. Moore) could demonstrate by figures that this Church, which manifested, as they were told to-night, such disgusting indifference to its primal duties, was at this moment actively at work; and it was, perhaps, on account of this very activity that the present Motion was brought before the House. In his speech delivered in the debate on this question in 1849, the hon. Member for Mayo pointed to places in Ireland where, at that time, no Protestant congregations nor Protestant ministers were to be found. Let him look at the same quarters now, and he would discover there Protestant ministers actively engaged in preaching to numerous Protestant congregations, all of whom were, in 1849, Roman Catholics. In those places the people were following the example of their brethren in the United States of America. They were boldly throwing off the tyrannical yoke and spiritual domination of the priests, and avowing themselves Protestants—ay, and Protestants of the Established Church. He was not dealing in language which he was not prepared with proof to maintain. He was speaking in the language of truth, and would bear out what he had asserted: he would quote to the House one passage from an authority which could not be questioned for a single moment. He challenged any hon. Gentleman who might follow him in that debate to contradict the accuracy of what he was about to state, not upon his own authority, but upon the authority of a distinguished dignitary of the Established Church in Ireland—he meant the Lord Bishop of Tuam. He quoted from a small tract, entitled, *The West Galway Church Building Fund. Statement and Account, by the Lord Bishop of Tuam. With a Report of his Lordship's Tour through Parts of the United Dioceses of Tuam, Killala, and Achonry, in the months of July and August*, 1852. In that report the Bishop stated—

> "In order to enable the members of the Church to form some judgment of the benefit hitherto effected in the district of West Galway, it may be enough to state, that whereas but a few years ago there were only two churches, and two clergymen the incumbents, by the arrangements already made there are 8 churches, besides 8 buildings licensed for the performance of Divine worship; and there are 18 clergymen officiating, of whom six are incumbents of parishes, and 12 are missionaries."

He (Mr. R. Moore) asked them, was that a Church which manifested the disgusting indifference to its primal duties of which the hon. and learned Member had spoken? Why, it was a most unjustifiable slander, When he came down to the House to-night he thought he should have some statistics produced, and that an attempt would have been made to establish to the satisfaction of the House that there was a great disproportion between the members of the Established Church in Ireland and the revenues of that Church. But, to his surprise, no such statistical information was given. On the contrary, the House had been treated with nothing better than mere vague generalities—assertions totally unsupported by a tittle of proof, and resting solely upon the authority of the individual who made them. Perhaps it was found somewhat inconvenient for the hon. Member to adopt any other course. Had he done so, however, he (Mr. R. Moore) would have been perfectly prepared to grapple with his statistics, and to show that there was no such shocking disproportion, as alleged, between the revenues of the Established Church and the number of members of that Churc hin Ireland ; and with regard to the requirements of the Established Church in Ireland, he contended that the present Church revenues of that country were barely sufficient to supply the spiritual wants of the Protestant people of Ireland. This he said advisedly ; and, in proof of it, he referred to the admirable argument contained in a book which had been published by Dr. Stopford, Archdeacon of Meath, in which it was shown that, so far from there being any disproportion between the revenues of the Established Church in Ireland, and the number of Protestant congregations there, every penny of the Church revenues in Ireland was required for Church of England purposes in that country. But the hon. Member for Mayo had made one admission to-night which completely cut the ground away from under his own position. He admitted fairly that the Roman Catholics of Ireland were not taxed to support the Protestant Church; but he also said that the Church revenues were the property of the State. Now, upon the latter allegation he (Mr. R. Moore) joined issue with him, and contended that, by prescription, by law, and by original appropriation, the revenues of the Irish branch of the English Established Church were the property of that Church, and that to take them from it would be nothing short of robbery.

MR. HENRY DRUMMOND would not follow the hon. and learned Gentleman who had just sat down through all his various misunderstandings of the various speeches which had been delivered that evening. On one point the hon. Gentleman was greatly to be condoled with. It appeared from his speech that he had come down armed with a variety of statistics, which he had intended to discharge in reply to the hon. Member for Mayo; but, very provokingly, the hon. Member would not give him an opportunity of doing so. He then attacked the hon. and learned Member for Leominster (Mr. J. G. Phillimore), and said some severe things of him; but, with all due deference, that hon. and learned Member said nothing about the present state of the Irish Church. The hon. Gentleman said, "A little learning is a dangerous thing;" and so it might be; but no learning at all was surely worse. No man could know anything about the Irish Church without knowing that there was not even in the Church of Rome such disgusting instances of nepotism, such disgusting instances of immense private fortunes made out of the funds of the Church, as in the Church of Ireland. Fortunately, this question was neither a religious nor a polemical one—it was a question of political justice—a question of whether the state of the Irish Church was such as ought to be satisfactory to the Irish people. Almost every statesman that had existed within the last forty years had declared that it was not. Many years ago he (Mr. Drummond) had offered Sir Robert Peel a plan for settling this question, which he, very wisely, no doubt, rejected; he then offered it to the noble Lord the Member for London, but he also showed it the cold shoulder. After many years of reflection, however, he believed that his plan was founded upon substantial justice; but it would not be applicable now, for the worst part of those questions was that they could be carried at one period, and not at another. The plan was, that the whole ecclesiastical revenues should be placed in the hands of two sets of ecclesiastical Commissioners, Protestant and Roman Catholic, to be divided between the two Churches, in proportion to numbers where there was a mixture of religionists, and in parishes where there were no Protestants the Roman Catholics would have taken it all. Where the population was mixed, the question would become more difficult; but still he believed the plan might be arranged. If hon. Gentlemen thought that the present state of the Irish Church was no grievance to the Roman Catholics, would they give him leave to ask them to put themselves in the situation of those Roman Catholics? He addressed himself to those who took the high ground of conscience with regard to the Protestant Episcopal Church in Ireland, and he wanted to know why they did not take the same ground with regard to the Protestant Episcopal Church in Scotland. They said this was not a question of political expediency—that was a casual consideration with these conscientious Gentlemen. But why were not their consciences as strong on the other side of the Tweed as on the other side of St. George's Channel? He could not understand why one argument was employed with respect to Ireland, and another with respect to Scotland. Taking into consideration what had been said by the noble Lord the Member for London, and by the right hon. Member for Buckinghamshire, the time really appeared to have come when they might put the question on a more just and secure footing. A great deal had been said about the ambitious designs of the Roman Catholic priests. Now, he quite believed that the priests were now what they ever had been, and what they ever would be to the end of the chapter; but did they think that the Roman Catholic laymen would be such fools as to lend themselves to the ambitious views of the priests when they had no grievances themselves? He did not find that the laymen were so very obedient to the priests in France or in Italy. There was a curious Motion which an hon. Gentleman who sat up behind him (Mr. Duncombe) had given notice of—a Motion which was a curious specimen of humanity, for the hon. Member proposed that this country should use its good offices to have the French troops withdrawn from Rome. Did the hon. Member not know that such a Motion would be tantamount to having all the priests' throats cut? Rely upon it the Roman Catholic laymen were not quite so obsequious to their priests as was generally supposed. For his part he would say—Refuse to Roman Catholic priests and laymen every demand that was unjust, but do not refuse to either priests or laymen what they had a right to demand.

Mr. MAGUIRE said, that he remembered Canning's saying that the duty of a Lord of the Treasury was to make a House, to keep a House, and to cheer the Minister; but from what he had noticed that evening, it appeared to be the duty of the Secretary of the Treasury to clear the House; for the result of his observations had forced him to the conclusion that the debate was near happening to be brought to a speedy conclusion by the zealous activity of the Government agents. Such conduct was not to be wondered at when it was recollected that there were many persons on the Ministerial benches who were pledged to support such a Motion, but who might, in their present position, find it inconvenient to do so. Those Gentlemen were zealous in their advocacy of the Motion when in opposition, but now they were in office they attempted to clear the House in order to get rid of it. The hon. Member for Mayo (Mr. Moore) had brought the question fairly before the House. He had made a reasonable proposition, not to destroy the Protestant Church in Ireland, but merely to appoint a Committee to inquire how far the revenues of that Church had been made applicable to the benefit of the Irish people. Ireland contained 800,000 Protestants, 600,000 Presbyterians, and at least 4,500,000 Roman Catholics. Were, then, the large revenues of the present Church Establishment applied to the spiritual wants of the Irish people? The hon. Gentleman was blamed for having brought forward the Motion; but how long should they have waited before any such proposition would have come from the Treasury bench? The Government had done everything they could to prevent the discussion. The most barefaced attempts to clear the House were made when questions of this description, affecting civil and religious liberty, were brought forward. The speech of the right hon. the Secretary for Ireland to-night held out a bonus to agitation. He had told those who had influence in Ireland to blow the coals of agitation, to gather monster meetings, and to place large petitions on the table of the House, and that then the Government would gracefully yield to their demands. This was not the proper way of dealing with a great question, to which the right hon. Gentleman and his associates were pledged by tradition. The right hon. Gentleman said the measure was desirable, because the people of Ireland were in favour of it. [Sir J. YOUNG: Not the people of Ireland.] He was glad the right hon. Gentleman had not made a statement so degrading to Ireland; but that reminded him of an observation which made him feel more degraded than he had ever felt before. The right hon. Gentleman said that the Irish Church must be maintained because it was the will of the people of England that it should be maintained. Was that the spirit of the Union? He believed it was from that spirit that all the miseries and misfortunes of Ireland flowed. Class had been set against class, and most of the miseries of Ireland had arisen from her being subjected to the will of another country. He believed that the feeling of the people of England upon the subject had been well expressed by the noble Lord the Member for King's Lynn (Lord Stanley), in his pamphlet upon the church-rate question. The noble Lord said that whenever an opportunity was offered of dealing with ecclesiastical establishments *de novo,* unfettered by immemorial custom, the principle on which the present generation would act would be that of strict religious equality. As a matter of justice, he said, it was wrong to call on a man to pay for the propagation of opinions in which he did not share; and that the voluntary system had worked well among Churchmen in England, where the rates had been refused. The noble Lord summed up his arguments by saying that to him the case of the Nonconformists to exemption from ecclesiastical taxation appeared unanswerable. Now this was the whole case of the Catholics of Ireland, and that case was "unanswerable," because it was based upon the principle of justice. The noble Lord gave several instances of the beneficial effects of the voluntary system. At Leeds no rate had been raised for eighteen years, and the change in the system was attended with none of those evils which had been anticipated. Churches had been rebuilt, new churches consecrated, and schools established in several places at a large expense by that system. He (Mr. Maguire) did not appear there to cry "Down with the Protestant Church in Ireland!" Himself a Roman Catholic, he would not destroy that Church; and when he heard it said that if they touched the revenues of the Protestant Church in Ireland it would crumble into dust, he told them that they slandered it, and that it was tantamount to confessing that gold was the sole prop and support of that institution. But even if the Roman Catholics did call for the downfall of the Established Church, still, though a Roman Catholic, he must confess that that would not secure the destruction of the Protestant religion. He would show that the Protestant Church of Ireland was larger than the requirements of the Protestant congregations, from figures which an hon. and learned Gentleman who had spoken by anticipation, had erroneously, as he believed, stated to be false; but they were the work of public officers, and they were the authority to which Parliament referred. He (Mr. Maguire), however, denied they were false. But, making all possible allowances for mistakes and reduction in the amount of the population, what was found to be the fact by these returns? It was found that the disproportion between the creeds was still enormous, and that greater solicitude was manifested in decorating, repairing, and building glebe houses, than in maintaining the fabric of the churches. He made no charge against the bishops, or the Protestant clergy of Ireland, but he only contended that the Roman Catholics ought not to be called on to support them. In the archdiocese of Armagh there was a parish with a revenue of 188*l.*: 3,000*l.* had been expended on the glebe, and 553*l.* on the church. The number of the Protestant congregation was 34, while that of the Roman Catholics was 1,677. In another parish the revenue was 216*l.*; the congregation 4, and the Roman Catholics 1,063. The archdiocese contained a total of 103,000 Protestants, and 309,000 Roman Catholics. There were numbers of similar cases in the diocese of Meath. New Town parish had a revenue of 1,860*l.*; there had been 1,384*l.* expended on the glebe; no sum was stated to have been expended on the church; the congregation was 35, and the number of Roman Catholics 2,500. It was the same in the diocese of Derry, which contained, amongst other similar instances, a parish, the glebe estate of which was 669 acres. 2,838*l.* had been expended on the glebe estate and house, and 341*l.* on the church. The Protestant congregation was 1,683, and there were 3,397 Roman Catholics. The diocese of Tuam contained a parish with a revenue of 135*l.* The Protestants were 2, and the Roman Catholics 911. Another parish had a revenue of 135*l.*, with a congregation of 10, and 4,000 Roman Catholics. In the archdiocese of Dublin was a parish with a revenue of 187*l.*, a congregation of 4, and 470 Roman Catholics. The case was the same in the south of Ireland. A friend of his, who desired to see an ancient church in that part of the country, had to apply for the key to a Roman Catholic sexton, who told him that the church was not open because the congregation had gone to the salt water. In the diocese of Cloyne there were four parishes which only had three or four Protestants between them, who went from parish to parish to hear service regularly every Sunday. In that diocese the total church revenue was 33,000*l.*; there were 1,100 acres of glebe land, 13,000 Protestants, and 328,000 Roman Catholics. He thought that these cases showed, at least, a fair ground for inquiring whether or not the revenues of the Protestant Church in Ireland were, as it was alleged they were, excessive, or whether the great body of the people derived benefit from her ministrations. Much had been said about the benevolence and worth of the Protestant clergy. He had no wish to say anything in depreciation of that body. He had, in fact, more than once borne testimony to their merits. He had said, and he now repeated, that the Protestant clergy of Ireland exhibited towards their Catholic brethren during the famine the true spirit of the Samaritan; and no Catholic could ever forget their charity on that occasion. But what he said was, that the existence of the Established Church was a direct barrier to the interchange of that good feeling between the Catholic and Protestant which ought to exist, and which had thus begun to be created. He asked English Churchmen to make it their own case, and consider whether, if the Dissenters of England were to set up a claim to the revenues of the Established Church, to the exclusion of those who at present possessed them, they would not be disposed to say that the Dissenters were not only insolent but audacious? The right hon. Gentleman the Secretary for Ireland had said that the Motion of the hon. Member for Mayo was unfortunate and ill-timed. Did the right hon. Gentleman mean that it was ill-timed because we had at present a coalition Ministry—a patchwork Administration—some of the Members of which were bound and pledged by their former lives and conduct to support the Motion, while others of them were wedded to the old and intolerant tyranny of Tory politics? When ought a Motion of this kind to be brought forward, if not now, when they could discuss it calmly and dispassionately? Would it be better to postpone it till the time when they had monster meetings and general agitation? If they did, they would then be told that it could not be entertained by Parliament until the country was at rest. The right hon. Gentleman had only brought forward the usual Tory flam; but he assured him that it would not go down with the people of Ireland. The hon. Member for North Warwickshire (Mr. Newdegate) had said that they had no substantial accusation to bring against the Irish Church. Why, the fact was that their chief accusation was that of injustice. Their accusation was that they were made to pay for a Church whose ministrations they did not require, and whose doctrines they did not believe. Some allusion had been made to a dinner at Athlone, concerning which a Member of Her Majesty's Government must have some knowledge; but he (Mr. Maguire), at least, was not one of the Brigade. Why, had not every platform in England fulminated against the Catholics for accepting the Maynooth endowment? If so much wrath had been excited on account of the endowment of that one college, what would it be if the state of things which now existed were reversed, and the Protestants were made to support the Catholic Church altogether, just as the Catholics were now made to support the Protestant Church? He was merely an Irish Member sent to that House, neither by the Pope nor by Legate Cullen, as he had been disrespectfully called, to act honestly and uprightly between party and party, and anxious to support either Whig or Tory who would bring forward a measure for the benefit of Ireland, although he might have that instinctive abhorrence of a genuine Whig which was felt by many in his country. He would conclude by again vindicating the motives of his hon. Friend in bringing forward this Motion, and preventing the evil from being allowed to sleep. The present system paralysed the energies of his country, which had been blessed by God, but cursed by the intolerance of man. The intelligent Catholics of Ireland regretted that such men as the noble Lord the Member for London (Lord John Russell), who once advocated civil and religious liberty, should allow the continuation of a system which caused strife and dissension where peace, love, and charity ought to prevail. He repeated that a fair case had been made out for inquiry. If the Government were afraid of inquiry, let them say so; but if they were not, let them prove that the charges against the Irish Church were unjust, and that its accusers had no ground to stand upon; but let it not be said that the British Parliament had hesitated to give a deliberate opinion upon it.

MR. WHITESIDE said, he regretted that an institution so ancient and so venerable as the Established Church in Ireland should not have received at a moment of emergency a more warm, cordial, and vigorous support from Her Majesty's Government than they seemed disposed to afford to it on the present occasion. Had such support been offered, he should not have trespassed on the attention of the House, notwithstanding that the Motion now under consideration was one which, as a member of that Church who had its interests intimately at heart, he could not regard with other feelings than those of indignation and surprise; for, though he belonged to a part of Ireland which, as he understood from the hon. Member who had just spoken, did not constitute a part of the nation, there was no question which could touch him, or any one who thought with him, more deeply, and any one who studied their history would say more naturally, than a Motion of this nature. It was indeed enough to excite watchfulness and surprise. If it had been introduced by any person interested in the Church, in its reformation or amendment, who, laying his finger on the allocation of those revenues, which he admitted were devoted by the piety of past ages for the purposes of religion, should say, "Such and such a defect might be remedied," it should have had his (Mr. Whiteside's) support. But was that the object of the hon. Member? Lord Bacon told us that a man's speech ought to be interpreted by reference to the ends which he had in view; and, tested by this excellent maxim, the speech of the hon. Member for Mayo must be admitted to be one of no ordinary importance. It was of no avail to refer to loose speeches, because he had remarked that when that was done the reports were generally "inaccurate" and "incorrect," and the statements of the circumstances connected with them were said to be doubtful and unsatisfactory; but if they desired to arrive at an accurate knowledge of the object and purpose which the hon. Gentleman really proposed to himself in submitting the present Motion, they would do well not only to bear in mind his speech of that evening, but to turn to the manifesto of an association in Dublin, of which the hon. Gentleman was a distinguished member. That association had issued a circular—whether it was the performance of the hon. Member himself, or the elaborate effort of the hon. and learned Gentleman now Her Majesty's Solicitor General for Ireland, who had been the acute adviser of the association, as he had been likewise its most brilliant orator, he did not know—which would enable the House to decide whether the Motion before them was for the spoliation or for the annihilation of the Church. This circular contained an account of the grievances of the people of Ireland; for, be it observed, it was a part of the policy of some persons to attribute all the evils which pressed on the energies of the people, of Mayo for example, to the Government, and not to those who were the main cause of them. It said—

> "1. The appropriation of the ecclesiastical revenues of the country—originally set aside for the religious instruction and consolation of the people—to purposes quite foreign to the spirit of that sacred trust. 2. The penalties or prohibitions which still attach to the performance of certain spiritual functions, or the exercise of certain ecclesiastical rights of order or jurisdiction. 3. The laws which still disqualify certain classes of Her Majesty's subjects, on account of their religion, from holding various honourable and important offices in the State. 4. Those more hidden operations of Government which, by a certain connivance between the legislative and the executive, between the wording and the working of the law, pervert the best and most benevolent institutions into instruments of persecution, drain the bitter cup of poverty of its one blessed drop of comfort, and cheat even the gallant men who live and die in the service of their country, of all that elevates life, and consoles death. The first, though perhaps not essentially the most vicious, is the largest of these elements of persecution; and as it sustains, and feeds, and fosters all the others, may be regarded as the most important of them all. The iniquitous anomaly of the Church Establishment of Ireland may be truly said to be the cause of every evil, and to stand in the way of every good in that country; and it would be superfluous to argue the condemnation of a system which has been already denounced by the voice of the whole civilised world."

Was that to modify the revenues of the Church? Was that a proposition for temperate and rational reform, for endowing the members of the Roman Catholic Church, who were, he regretted to say, now suffering want and privation? No; for by the second paragraph the writer suggested various schemes for disposing of the Church property, one of which was to sell the whole of it by auction, and thus to carry out the ideas of the Conservative Member for West Surrey. If the opinions of Dr. Cullen were not to be adverted to as operating on the hon. Member for Mayo, he might refer to the statements of one who had—he would not say nominated the hon. Member, for his abilities entitled him fully to sit in that House, but who had—certainly proposed him at the hustings as one entitled to the confidence of the Church—he meant Dr. M'Hale—he would not call him the Archbishop of Tuam, for he was forbidden by law to do so. It was impossible for the hon. Member to escape the connexion with that rev. gentleman, and he was sure he (Mr. Moore) would not deny it. What said Dr. M'Hale? He could not give the date, because his documents were generally dated in a way he (Mr. Whiteside) could not pretend to understand, but the letter to which he referred purported to be written from "St. Jarlath's," on "The Feast of the Seven Dolours." He did not know when that was—and the rev. gentleman adverted in a triumphant manner to the elections which had just terminated. He said—

> "Amid the anxiety and alarm which have seized the adherents of the Protestant Establishment in Ireland, they must look to some more efficient props to uphold its tottering existence than the clumsy fictions which they are not ashamed to scatter about its imaginary extension. In vain are they endeavouring by such weak expedients to avert its impending doom. They may fancy that because they have been hitherto imposing on the English people, and gathering funds by an indulgence in all the licentiousness of slander, they may be still permitted to enjoy the same privileges of imposition in a continuous immunity from exposure. They appear, however, to feel that they have been somewhat mistaken in their calculations. The result of the recent elections in Ireland has filled them with an alarm which they are awkwardly endeavouring to conceal, and the loudness and audacity of their boasts, at a time when the world has witnessed the decline of the Parliamentary establishment, and the vigorous reaction of a people whom its votaries proclaimed to be prostrate, are but too evident signs of their terrible apprehensions . . . . . Yes, it is this conviction of the deep-seated reverence of the Catholic people of Ireland for their religion, and their unconquerable resolve not only to maintain it, but to carry on a vigorous, and legitimate, and constitutional opposition to the Moloch of the Establishment, that has recently sent over such a motley crew of parsons and readers to this country, and is sending back, by way of commercial interchange, such huge cargoes of lies and inventions regarding their triumphs in the west of Ireland. Such artifices will no longer do, for in the fate of every successive Administration that refuses to extinguish this national nuisance it will appear that the days of the Establishment are numbered. When pressed by the serried array of half the representatives of Ireland, who can break up a more vigorous Administration than yours, to relieve at once this country from the incubus that has oppressed all its energies, it will not do to adjure them to wait until you see the result of the new ninth or tenth reformation in the regions of the south or west of Ireland. No, they will not wait, nor will they listen to those arguments of persuasion which Tory, as well as Whig, Ministers know so well how to wield; for this very Celtic people, who are represented in England as Protestant converts, have instructed their representatives not to wait, nor take office or favour of any kind from any Minister until the country is eased of the burden of that Establishment with which calumny has not blushed to connect them. . . . . Those ecclesiastical funds, so long misused, should, after the life interests of their present occupants, revert to their own original purposes of promoting Catholic piety, charity, and education. Too long has their usufruct been squandered with no other result than propagating dissensions and upholding an unholy ascendancy. It is fortunate that there remains such a fund for the erection and endowment of Catholic schools and the building of Catholic churches, and, should it extend so far, to serve as an outfit for the purpose of Catholic glebes, all as free and independent of any sinister interference of the secular power as were those funds when first abstracted from those pious uses. It is only on such conditions they will be claimed —on no others should they be accepted; and on such equitable terms it would be the height of impolicy to withhold them. It will be an act of just and tardy restitution of property long diverted from its legitimate objects; and as to the prospective maintenance—the daily bread of the Catholic clergy—they will exclusively rely on that rich fund that has never failed them—the spontaneous offerings of a grateful people, to whom protective measures for the fruits of their industry, no longer to be deferred, will give additional cheerfulness in discharging the duties of their religion. As for the Protestant Establishment, dream no longer of upholding it in Ireland. Treat it like the question of free trade, yielding to the inevitable necessity of events which statesmen cannot control. The Catholic people of this country are resolved not to be content until they witness its legislative annihilation. The axe is already laid to the root, and, as time has but too well attested the baneful vices of its influence, it is in vain you will endeavour to avert its inevitable fall."

The concluding words expressed the idea he had ever entertained of the end to which the efforts of this active and indefatigable party were directed. Had any hon. Member now a doubt of the object of this Motion, so artfully and speciously concealed beneath the modest guise of a proposition to inquire into that which did not want inquiry, inasmuch as there was not a single fact connected with that Church which was not open and known to the world, and there was nothing of which those who belonged to her needed to be ashamed? That Established Church in Ireland was pure in doctrine—was tainted by no pestilent heresies—had adopted no spurious form of Romanism—had adhered unswervingly to the doctrine and principles of the Reformation, and had it been less faithful in this respect would probably have received more mercy and forbearance from its relentless enemies. The object of this Motion was plainly to effect not even spoliation—it was to annihilate; and it behoved the House to consider whether they had not a grievous question to discuss with those who brought it forward. He would discuss it not discourteously, he hoped, but certainly boldly, and hon. Members must be prepared to hear the truth; nor would English Members, perhaps, deem it an unwarrantable intrusion on their time if he presented them with a few facts to bear on the subject. He entreated, therefore, the House to consider with him the professions and engagements of the Roman Catholics in past years with respect to the Established Church, and then to say whether it lay in the mouths of men pledged and sworn as they were to advocate a Motion which was brought forward with no other intention than to compass the destruction of that institution. When the Roman Catholics demanded redress of their grievances from the Irish Parliament in 1792, what was their language? Why, this: they said—

> "With satisfaction we acquiesce in the establishment of the national church; we neither repine at its possessions, nor envy its dignities; we are ready upon this point to give every assurance that is binding upon man."

He respected an honest Radical; he could understand a Nonconformist or a Dissenter, or a man on abstract principles, being in favour of the voluntary principle; but if any man looked on the working of that principle in Ireland with approval, he must be easily satisfied indeed. When Grattan and Plunkett, with ability never equalled, urged on the Parliament their propositions in favour of the Roman Catholic claims, the arguments on which they most relied, and which they most pressed on the House, were these:—We desire to secure the Church in Ireland by its identification with the State. They would be satisfied, they said, if that was done—they did not seek to take away its existence, or to endanger its position. Such was the argument enforced by their brilliant and triumphant logic; but it did not convince Sir Robert Peel, and Grattan then addressed himself to prove that the carrying of emancipation would conduce to the greater security of the Established Church. Still the question did not make way, and now came a matter on which he had a word to say to Dr. M'Hale, whom he selected, especially, because he was the leader of this great movement against the Church. If any hon. Member would like to see two documents which cast a greater light on the character and conduct of the Roman Catholic prelates in Ireland in respect to this question, he would refer them to the following papers. The first was the celebrated pastoral address and declaration of the Roman Catholic Archbishops and Bishops of Ireland to the clergy and laity of their communion, dated January 25, 1826. They said—

> "The Catholics of Ireland, far from claiming any right or title to forfeited lands, resulting from any right, title, or interest which their ancestors may have had therein, declare upon oath 'That they will defend, to the utmost of their power, the settlement and arrangement of property in this country as established by the laws now in being.' They also 'disclaim, disavow, and solemnly abjure any intention to subvert the present Church Establishment, for the purpose of substituting a Catholic establishment its stead. And, further, they swear that they will not exercise any privilege to which they are or may be entitled, to disturb and weaken the Protestant religion and Protestant Government in Ireland.'"

This document was signed "John M'Hale, D.D." He appealed to any hon. Member to say what would be the effect on him as a gentleman, of this act of a man of ability and learning, who signed such a document, and afterwards proposed and urged a measure for the annihilation of that very Church? He was quite prepared for it when hon. Members below cheered; but they might have suspended the expression of their sentiments for a moment. What did their cheer mean—for casuistry was a noble science—if not this, that they would demolish the Church, but that they would not erect the Roman Catholic Church on its ruins? ["No, no!"] Then he did not understand it, nor was their cheer intelligible. At all events, the astute lawyer who drew up the Emancipation Act fell into error in not following the advice of Grattan and Plunkett. When the oath was framed, Sir Robert Peel introduced the words with which the oath now stood at the present day, as follows:—

> "And I do declare that I do not believe that the Pope of Rome, or any other foreign prince, prelate, person, state, or potentate, hath or ought to have any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm. I do swear that I will defend to the utmost of my power the settlement of property within this realm, as established by the laws; and I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present Church Establishment as settled by the law within this realm; and I do solemnly swear that I never will exercise any privilege to which I am or may become entitled to disturb or weaken the Protestant religion or Protestant Government in the United Kingdom; and I do solemnly in the presence of God, profess, testify, and declare that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatsoever. So help me, God!"

It was not the Protestant religion or the Established Church, which was to be protected—that might be matter of debate—but the most distinct and unequivocal meaning of the oath was, that the Roman Catholics would never attempt to subvert the Established Church of Ireland. The Articles of Union, as recited in the 10 *Geo.* IV., said—

> "And whereas the Protestant Episcopal Church of England and Ireland, and the doctrine, discipline, and government thereof, and likewise the Protestant Presbyterian Church of Scotland, and the doctrine, discipline, and the government thereof, are, by the respective Acts of Union of England and Scotland, and of Great Britain and Ireland, established permanently and inviolably."

Well, after the Emancipation Bill was carried, the Roman Catholic Bishops met again with the words of this oath and with the clauses of the Emancipation Act before them; and what would Englishmen think when he told them that Dr. M'Hale signed a document in which there was a high eulogium pronounced on the Emancipation Act in a paper than which a finer document was never penned by Christian prelates? Yes; and if they had acted upon it, the House would never have heard one word from the Protestants of Ireland, if Roman Catholics had filled every office in the State. Well, the Roman Catholic clergy issued their address, and he would read their very words :—

> "And is not the King, beloved brethren, whom by the law of God we are bound to honour, entitled now to all the honour, and all the obedience, and all the gratitude you can bestow? And do not his Ministers merit from you a confidence commensurate with the labours and the zeal expended by them on your behalf? And that Legislature which raised you up from your prostrate condition, and gave to you, without reserve, all the privileges you desired—is not that Legislature entitled to your reverence and love? We trust that your feelings on this subject are in unison with our own, and that a steady attachment to the constitution and laws of your country, as well as to the person and Government of your gracious Sovereign, will be manifest in your entire conduct. Labour, therefore, in all things to promote the end which the Legislature contemplated in passing this Bill for your relief—to wit, the pacification and improvement of Ireland. Let religious discord cease; let party feuds and civil dissensions be no more heard of; let rash, and unjust, and illegal oaths be not even named among you; and, if sowers of discord or sedition should attempt to trouble your repose, seek for a safeguard against them in the protection afforded by the law."

The work was done at last—the Act of Emancipation was passed—the Roman Catholic bishops had got all they wanted, and all that which they said was enough to make them contented. Was the question settled? No. In 1833 the Bishop of Exeter had occasion to write a letter on the subject of this sacred obligation of the Roman Catholic oath, so far as it referred to its weight with Dr. M'Hale; and the latter answered him with charming *naïveté* :—

> "Far, then, from shrinking from any avowal of hostility to a system fraught with such injustice, I must frankly own that the Establishment has been, and shall continue to be, the object of every legal and constitutional opposition in my power. However irreconcileable you deem such a declaration with the obligations of our oath, I must protest against your competency to expound its meaning, or to be the guide of my theology."

And Dr. M'Hale had followed up that declaration by a long and consistent line of conduct which he had declared he would never cease till he witnessed the annihilation of the Established Church. So much then for the consistency, so much for the good faith, so much for the stringency, of prelatical covenants. Well, if they got rid of this oath, what security had they for the oath of allegiance, or for any oath which ought to be binding on the consciences of men? Could the British Parliament adopt an argument or a policy pressed on them in so perfidious a manner? The Act of Union had been sneered at. He was lost in astonishment that any lawyer or statesman should stand up in that House and tell them that the Act of Union with Ireland, which then had an exclusively Protestant Parliament, and a Parliament which would, they were told, not have consented to the Act of Emancipation, was to be treated as so much waste paper. The speech of Lord Castlereagh was still extant, in which, as the mouthpiece of Mr. Pitt, he declared that if Ireland surrendered her national independence there should be henceforth for the two countries but one law, one State, and one Church. If there were no Statute of Union at all, he would appeal to the House if it would be expedient for the House to sever their connexion with the Protestant Church? He had heard much in the course of that debate of the objects for which the Church in Ireland had been founded. Greater mistakes in history, law, and fact were never made. He admitted that all connexion with Rome was severed at the time of the Reformation; but it was not to make the nation Protestant, but to get rid of a disaffected and rebellious priesthood. Let them look to the history of Ireland from the reigns of Elizabeth and James downwards—let them trace the events which occurred in Ireland, and the proceedings of the legate Rinuccini, and they could clearly understand the reason why. The priesthood were bound up with a foreign Power, and their object was to establish its empire here. When Dr. Doyle was examined before the Committee in 1825, and was asked how the bishops of the Roman Catholic Church were appointed, he replied, "While England was Roman Catholic, by the Sovereign" (thus overthrowing the assertion that it was an ancient prerogative of the Pope), "but afterwards by the expelled monarch and his descendants through the medium of the See of Rome." Why was that? Clearly for the purpose of subverting the existing constitution, and expelling the regnant family. Why was not that object successful? Bishop Bedell, in 1663, pointed out the men in his diocese who were appointed by the Pope, and all sworn to subvert the constitution. Let not any one suppose he commended the past management of the Church in Ireland. He admitted that in bygone times the patronage of the Church was shamefully prostituted to serve the political purposes of England, and that Irish clergymen of learning and piety were set ignominiously aside to make way for the dull tutors of the English aristocracy. But surely it did not lie in the mouth of an English Member to make that a matter of reproach against the Irish Church. He should rather hang his head in shame and sorrow that his own country should have acted so disgracefully towards Ireland. Many hon. Members had, no doubt, read the letters of Primate Boulter during the Duke of Newcastle's Administration, which some unhappy member of that prelate's family had published. That Primate passed his time in watching the health of the Irish bishops to see when, to use his own words, they were going "to drop," so that the King's service might not be injured by the appointment of natives. In one of his letters he said, "I think it right to apprise your Lordship that his Grace of Dublin has a cough; and I beseech your Grace, if he should drop, not to give this appointment to a native." Dean Swift also had left upon record in his own caustic language his opinion of the public men of that country. He wrote thus upon the subject of the Church in a letter to Lord Carteret, the Lord Lieutenant, in July, 1725:—

> "The misfortune of having bishops perpetually from England, as it must needs quench the spirit of emulation among us to excel in learning and the study of divinity, so it produces another great discouragement, that those prelates usually draw after them colonies of sons, nephews, cousins, or old college companions, on whom they bestow the best preferments in their gift; and thus the young men sent into the Church from the University here have no better prospect than to be curates or small country vicars for life. If I have dealt honestly in representing such persons among the clergy as are generally allowed to have the most merit, I think I have done you a service, and am sure I have made you a great compliment by distinguishing you from most great men I have known these thirty years past, whom I have always observed to act as if they never received a true character, nor had any value for the best, and consequently dispensed their favours without the least regard to ability or virtue. And this defect I have often found among those from whom I least expected it."

The truth was, that the Church was in danger, not from rebellion and external opposition, but from the maliciousness of factions and the corruption of public men. The truth of this remark was proved by the fact, that in later years Dean Kirwan, who was the most eloquent Divine who ever mounted the pulpit in Ireland, was appointed to the parish of St. Nicholas, the most wretched in Dublin, while at the time the Archbishop of Dublin was the son of an English footman. Referring to his case, Grattan, in 1792, said—

> "What is the case of Dr. Kirwan? That man preserved this country and our religion; and brought to both a genius superior to what he found in either. He called forth the latent virtues of the human heart, and taught men to discover in themselves a mine of charity of which the proprietors had been unconscious. In feeding the lamp of charity he had almost exhausted the lamp of life; he comes to interrupt the repose of the pulpit, and shakes one world with the thunder of the other. The preacher's desk becomes the throne of light; around him a train, not such as crouch and swagger at the levees of princes (horse, foot, and dragoons), but that wherewith a great genius peoples his own state—charity in action, vice in humiliation; vanity, arrogance, and pride appalled by the rebuke of the preacher, and cheated for a moment of their native improbity. What reward? St. Nicholas Within, or St. Nicholas Without! The curse of Swift is upon him—to have been born an Irishman, to have possessed a genius, and to have used his talents for the good of his country. Had this man, instead of being the brightest of preachers, been the dullest of lawyers—had he added to dulness venality—had he aggravated the crime of venality and sold his vote, he had been a judge; or, had he been born a blockhead, bred a slave, and trained up in a great English family, and been handed over as a household circumstance to the Irish Viceroy, he would have been an Irish bishop and an Irish peer with a great patronage, perhaps a borough, and had returned Members to vote against Ireland, and the Irish parochial clergy must have adored his stupidity and deified his dulness. But, under the present system, Ireland is not the element in which a native genius can rise unless he

> ells that genius to the Court, and atones by the apostacy of his conduct for the crime of his nativity."

He admitted that since the Union better men had been appointed, and it was the virtue, the zeal, the purity, and the fidelity of the working clergy which had saved the Establishment. What was the condition of that Establishment now? The hon. Member for Dungarvan (Mr. Maguire) had quoted from works as applicable as the productions of the Middle Ages, and had spoken of the Roman Catholic population as the nation. The nation? What was that? If there was commerce in Ireland, it belonged to the Protestants. If there was manufacturing industry, it was theirs. If there was agricultural improvement, it was theirs. If there was religion, it was theirs. If there was the pursuit of science, it was theirs; and if there were four great names in contemporaneous history, while England had her Nelson and her Pitt, Ireland could boast of her Wellington and her Burke. Their towns were prosperous and populous. They wanted nothing from England but good government. Wherever the Protestant Church had gone, she had been successful. Whenever her priests had not confederated to stop the progress of Divine truth, that Church had been eminently successful; and, furthermore, and not to torment the House with details, he might add that upwards of 700 churches of the Protestant Episcopal Establishment had been erected in Ireland since the Union. Their principles had spread into many counties where they had never existed before; and the hon. Member for Mayo, in representing that county, had, unhappily for himself, suggested the weakest argument that could have been adduced. Archbishop M'Hale was confronted in his diocese by a prelate of the Protestant Church, who, himself a most zealous advocate of Roman Catholic emancipation, had done all in his power to extend the sphere of his usefulcess. That prelate boasted the name of Plunkett, and he and his family had always advocated the claims of their Roman Catholic subjects to perfect religious equality. But this was the person whom Archbishop M'Hale wished to get expelled. He believed that Bishop Plunkett had done more good by addressing the people in their native language than any other prelate who had ever presided over the diocese; and he had brought a greater number of sincere persons to join the faith of the Established Church than any of his predecessors. He

Mr. Whiteside

(Mr. Whiteside) firmly and conscientiously believed that those attacks upon the Established Church were part and parcel of a general movement now in force in Ireland. Before Parliament rose it would have to resettle the National Board of Education in Ireland, and he had heard that an amendment was placed upon the books of that society, emanating from a distinguished Prelate of the Church of Rome, which, if carried, would dissolve the body. The House little understood the stealthy manner in which the purposes of a great body were carried forward. He did not blame the Catholics in Ireland—he meant the laity—for anything they had done, but he blamed the conduct of the Catholic prelates and bishops for the course they had adopted with reference to education. Let them look at the case of the colleges at Cork and Galway. In the latter, the Vice-President Dr. O'Toole, a man of great learning and attainments, had been compelled to resign an office for which he was in every way qualified, because he was directed to do so by an edict from the Pope. Dr. O'Toole proceeded to Rome with the view of making some arrangements by which he could retain his office; but he was compelled to resign, in deference to the oath which he had taken to a foreign potentate. He implored the House to act upon some principle in this matter, and he was not ashamed to mention what that principle should be. He did it not in unkindness, not in bigotry, not in illiberality; but he said that that principle must be the maintenance of Protestantism in the British empire. Wherever it reached, liberty beamed upon the whole world, industry flourished, truth was sacred, and justice was respected. He confessed that he felt strongly and sincerely upon this subject, because he believed that the Papacy had two objects which it sought to carry over the whole world. One was to destroy Parliamentary Governments, and the other to beat down Protestantism. Upon this subject there was a remarkable letter signed "N. G." in a Dublin newspaper, addressed to the editor, and headed, "Louis Napoleon and the Catholic Church in France," and dated "46, Rue de Rivoli, Paris, October 16, 1852." The writer describes himself to have been a rank Puseyite, but whose mind was disabused of the miserable delusions and bondage of the most specious form of Anglican heresy. He complains that the Catholic press had not done justice to the eminent qualities of the ruler of the French people by bringing forward the remarkable services he had, by the grace of God, done to the Church in their land. The article then reviews the several Governments—elder Bourbon and Louis Philippe's—and contrasts the President's conduct towards the Church with theirs, favourably for the President. Then follows this ominous passage:—

> "I have been a witness of the reception of his Imperial Highness on his return to this city. It was a touching sight to see the children of the schools conducted by the Christian brothers greet him in whom they recognised their friend; and I was forcibly indeed reminded that, while Parliamentary England, Belgium, and Sardinia either persecute the Church or obstruct her full working and development, monarchical Austria, Tuscany, France, and Naples protect and defend her liberties, maintain and uphold her rights; nay, more, in proportion as the Cortes in Spain loses its power, the Church recovers its authority—a humiliating lesson to those who would cry out for Parliaments as the panacea for all evils, and who denounce Governments which punish evildoers and disturbers of religious peace, but which encourage the good in the practice of goodness—the pious in works of piety."

The Pope of Rome claimed to be the director of the education of the youth of the whole civilised globe. He did that in Italy, Austria, and in many other countries where religious liberty was not tolerated, and he was pressing it in France and Belgium. Yet the hon. Gentleman (Mr. Moore) humbly said that "religious equality" was all he asked—religious equality was all he desired—he panted for religious equality; but when they should have struck down our Protestant bulwark in Ireland, they would transfer these funds to the Roman Catholic Church in order to extirpate Protestantism from Ireland, and with it the element of its civilisation, the element of our power, the element of our prosperity, and the element of our greatness.

MR. LUCAS said, that he found the Motion they were discussing that night to be one which it was extremely difficult and painful for him to speak upon, because it was a Motion which seemed to him to be beyond all argument; and he confessed that he experienced a feeling which he knew not how to describe when he approached the discussion of a question which in his judgment ought to pass as a matter of course in any national assembly that wished to deal justly to all classes of Her Majesty's subjects. He experienced a difficulty to restrain the feelings of indignation which always arose in his mind when he considered the enormous injustice under which 5,000,000 of Catholics laboured in Ireland through this grievance, the abolition of which, as their mouthpiece, the hon. Member for Mayo now claimed at the hands of that House. The Motion of his hon. Friend had been grievously mistaken and misrepresented by the right hon. Baronet the Secretary for Ireland (Sir J. Young) and other speakers who had opposed it. Hon. Members said sometimes there was a difficulty in understanding what was the meaning of the friends of this Motion, as if a hidden sense were couched in their language; but before he sat down he should take care to render his meaning plain and unmistakeable. The Motion was one asking for inquiry into all the ecclesiastical revenues of Ireland—embracing the *Regium Donum* of the Presbyterians, and the Maynooth grant to the Catholics, no less than the endowments of the Protestant Establishment, with the view of ascertaining whether they operated fairly and justly for the well-being of the whole community in that country. The question was not what was generally understood as the abolition of the Established Church, but how justice could best be done to all religious denominations in Ireland—in short, how perfect equality of treatment for all denominations could be established by Act of Parliament. There were many ways in which that justice might be done, and it was not dealing with the Motion in a fair spirit to assume that there was only one method of settling the question which could result from the deliberations of the Select Committee, when the Catholics of Ireland were willing to accept any mode which should really establish religious equality in Ireland, and really remove from them a badge of inferiority to which they would never tamely submit, against which they would never cease to struggle, which would torment the debates of that House Session after Session, and, if need be, generation after generation, until this great injustice was substantially and completely remedied. How had this question been argued? The hon. and learned Gentleman who spoke last had quoted a document dated as far back as 1792, when neither he nor any of his friends took part in public affairs, but which showed that the Catholics of that time were content with, and almost grateful for, the ecclesiastical arrangements which then prevailed and still continued in Ireland, but which sentiments he (Mr. Lucas) neither approved nor applauded. The hon. Gentleman had talked of deception and fraud; but did he forget that the iron had entered into the souls of Catholics in those days, and that, long oppressed by social debasement and political degradation, in the first moment of even their partial deliverance from the tyranny under which they had groaned, was it to be wondered at if their feelings of thankfulness found vent in language which, if they had lived in the present day, they themselves would have been the first to condemn? Again, when Catholic emancipation was granted, was it surprising that when the intolerable yoke was removed from off the necks of the Catholics of Ireland, they expressed their gratitude in rather exaggerated terms? From the little allowance that was made for the natural feelings of men under the circumstances he had described, and seeing the use that was made of such expressions, he confessed that he had been taught that the avowal of political gratitude was a very dangerous thing, and it would perhaps be for the better if in future they were rather sparing of that article, seeing that it might be reasoned upon 20 or 50 years afterwards with all the dexterity of hard-headed *Nisi Prius* lawyers in that House. He had listened carefully to the debate, and he had heard nothing which he thought any hon. Gentleman who spoke on the other side could himself have imagined would have any effect upon his mind and that of his co-religionists, other than that of strengthening their determination to use every practicable and legitimate means of resistance to the grievous enormity of which they so justly complained. The hon. and learned Gentleman (Mr. Whiteside) went into a rambling and rather erratic discussion of almost every conceivable topic of an extraneous character—the only part of his address which touched the real question at issue being that in which he avowed his determination to uphold this social injustice and political wrong in Ireland, because he regarded it as a barrier against his (Mr. Lucas's) religion, and as a means of depressing its activity in that country. Now, that might be a very good argument for the hon. and learned Gentleman, and no doubt it was urged most sincerely; but it surely could have no other influence upon the minds of Catholics—if it had any at all—than to induce them, equally as conscientiously on their parts, to persevere steadfastly in an exactly opposite direction to that of the hon. and learned Gentleman. But that species of argument had no weight with him at all; and he could frankly assert that, even when he himself belonged to the Protestant community, he entertained precisely the same convictions upon this question as had long been entertained and avowed with regard to it by every enlightened Protestant, and by almost all the leading Members of the present Government, and also of the Opposition. The question really lay in a nutshell. Could any Member of that House place his hand upon his heart, and say, as an honest man and upon his conscience, if the case were his own, that he would sit content under this injustice, or submit to have the stigma of social and political degradation and inferiority stamped upon him; and that he would not rather, if he had the spirit of a man, come forward and openly declare that he knew no reason why his religion should subject him to such an odious brand; and that he should do his utmost to have it speedily effaced? The hon. and learned Gentleman (Mr. Whiteside) talked of the constitution, and quoted a document, but did not tell by whom it was written, shrewdly recognising the maxim, *Omne ignotum pro magnifico,* for very probably it was better for the hon. and learned Gentleman to have left that point shrouded in darkness; but on the authority of some anonymous writer on the Continent, they had been told that the partisans of despotism had declared themselves very well satisfied with the change of government which had lately taken place in France, because, wherever Parliamentary government prevailed, there the Catholic Church was attacked, and wherever despotism reigned, there it was protected. Well, was it to make them more ardent devotees of Parliamentary government that the hon. and learned Gentleman made use of his power in Parliament to endeavour to induce it to fix and maintain upon the Catholics of Ireland for ever the gross injustice under which they laboured? If any of these men were hostile to Parliamentary government, it was because they believed that under it their rights had been denied, their liberties impaired, and the education of their children retarded; and in order to wean them from such fatal paths the hon. and learned Gentleman inconsistently, by his counsels, sought to perpetuate and extend the feeling (in which, however, he would not succeed), which led men to appeal from petty tyrants to the Throne. He (Mr. Lucas) admired Parliamentary government in this, its home, where it was of native growth; he admired it also in other countries, wherever it was real, and not made the excuse for petty factions and miserable misgovernment. He thought genuine Parliaments the best of all form of government; and therefore it was that when they had several millions of Her Majesty's subjects, whose good or ill disposition towards Parliamentary institutions could not be a matter of indifference, he deprecated the House tampering with sentiments which he believed were deeply rooted in their minds, and furnishing them in their grievances with a motive which he (Mr. Lucas) did not believe would ever act upon the Catholics of Ireland; but which motive, at all events, both the reasoning and the sentiments of the hon. and learned Gentleman had a tendency to supply for the adoption of a course which, at any critical moment, would be most hostile to what that House and the Catholic Members equally desired. But he asked what was meant by the constitution? He agreed with that great statesman, Edmund Burke, that the constitution was not the mere outward form of returning certain gentlemen whom they called representatives to a body which they called a Parliament, and investing them with powers of government. What did they call the constitution in Ireland? The constitution in England was a means to an end. The means was representation, and the end was making the permanent, settled, and deep-rooted convictions of the people omnipotent in the management of public affairs; and that operation, notwithstanding all the defects and all the corruption of the representative system here, was manifest in the Government of England. But how stood the case as regarded Ireland? It stood thus: that despite the deep-rooted, fixed, permanent, irrevocable will of the Irish people, the monstrous iniquity of the Irish Church was in this year 1853 erect and triumphant. The constitution in Ireland meant that the permanent, settled, fixed, and irrevocable will of the people should be thwarted, refused, and denied, trampled on and insulted by generation after generation. The constitution in Ireland meant that the people should knock at the doors of Parliament in vain for justice. It meant an injustice under which no human beings could be induced to live except by military violence and physical force—a despotism which no religionists, no race, no class or description of men upon God's earth, neither Turk, nor Hindoo, nor Pagan, would endure for one moment, if they had the physical force to cast it off from them. For years the people of Ireland had endeavoured to get rid of this injustice; but their demands had been rejected with contempt and insult, and they had been told that because there were a hundred Gentlemen returned to that House by a process which was called representation, they had the blessing of the British constitution, which in England meant the accomplishment of the will of the people, but which in Ireland meant exactly the reverse. The House would not expect him to follow the hon. and learned Gentleman who last spoke into all the topics embraced in his speech. If the hon. and learned Gentleman wished for an inquiry into the doctrines and practices of the Roman Catholics in Ireland, or into the connexion between the Holy See and the clergy, or between the latter and the laity, there was no reason why his curiosity should not be gratified. There was nothing to conceal or be ashamed of. By all means, therefore, let an inquiry be instituted if necessary; but do not make this threatened investigation, which, after all, was a mere bugbear to frighten children with, an occasion for refusing justice to the Roman Catholics of Ireland. Frequent reference had been made in the course of the debate to the oath taken by the Roman Catholic Members on entering Parliament. Well, let the subject of that oath be brought forward in a regular manner—let a substantive Motion be founded upon it, and let it be discussed by itself; but do not make it an instrument for civilly, and in the most courteous language, taunting the Irish Members with indifference to the most solemn obligations. That was not the way in which any Gentleman who came to take his part in a deliberative assembly like this ought to be treated. Before consenting to stand as a candidate for Meath, he took occasion to study the oath in question; and he had perfectly satisfied himself that on a Motion like the present, which was clearly demanded by the highest interests of the State itself, there was nothing in the oath to induce or compel him to give a vote which was hostile to what he believed to be the true interests of the country, to betray his duty to Her Majesty, to whom he was bound to give the best advice he could, or to prove a recreant to the land which he was sworn to serve. Allusion had likewise been made to the Act of Union, and the only Member of the Government who had spoken during the course of the debate, had read to them a lesson on agitation, which he thought did not come well or wisely from one of Her Majesty's Ministers. Many Members of the Government were pledged to the full extent of what was demanded by the Motion now before the House; but they found it inconvenient to carry their pledges into execution, and at all events they would find it difficult to reconcile their conduct to-night with their political antecedents. Their spokesman on this occasion was the Chief Secretary for Ireland (Sir John Young), and his answer to the Motion was, that this was a bad time to bring forward such a measure. If, said he, there was a certain amount of disturbance in the country—if society was disorganised, and crime stalked through the land unchecked by the ordinary operations of the law—if the Government had great political and social difficulties to contend with, and had been obliged to come down to this House with a Coercion Act, and if the Church itself was in danger—then, quoth the right hon. Baronet, Her Majesty's Ministers might come down and offer to compound with the malcontents, giving up a portion of the monstrous Establishment in order to save the remainder. That was the doctrine of Ministers; that was the wisdom and statesmanship which shone out upon poor benighted Ireland from the Cabinet of "All the Talents." But the statement of the Chief Secretary, it was worthy of notice, had not been supported or followed up by any other Member of the Government. In the *Biography of Lord George Bentinck*, written by the right hon. Gentleman the Member for Buckinghamshire, the hon. Baronet was described as having upon one occasion occupied the position of a "disavowed plenipotentiary." It was true Her Majesty's Ministers had, by their silence, adopted his statement; but the hon. Baronet the Member for Oxford University, the hon. Member for West Surrey, the hon. and learned Gentleman who last spoke, and other hon. Gentlemen on both sides of the House, who considered themselves identified with the interests of the Established Church in Ireland, had disclaimed his sentiments; and now the right hon. Baronet, for the second time, as far as those independent Members were concerned, stood in the position of a "disavowed plenipotentiary." He frankly confessed that he believed the opponents of the Motion would have a majority to-night. He was not, however, disheartened; on the contrary, he was greatly encouraged. They were at the beginning of this discussion, and not at the end of it. The division of to-night would commence probably a long and arduous, but certainly a successful campaign; and if he wanted a reason for something more than certainty, he would find it in the speech of the President of the Board of Control on the income tax. That right hon. Gentleman told him that the one thing which reconciled him above all others to the imposition of the income tax upon Ireland was, that equality in the fiscal relations between the two countries would bring about all kinds of equality, and that a new era was about to begin for Ireland. He believed those words to be true; and although there was perhaps a little bit of Ministerial no-meaning about them when uttered, still they had a great deal of meaning in his mind and in the minds of those who acted with him. If there was one thing which sweetened to his mind the fiscal injustice which they were about to perpetrate, or which he might say they had perpetrated, in the imposition of the income tax upon Ireland, it was, that by the removal of a pretended financial inequality, and by making it clear that Ireland was taxed the same as England, they put it in the power of the Irish representatives to come with a loftier determination into that House, and say that if they would make the taxes of Ireland equal to those of England, they should put her institutions on a similar footing. The right hon Gentleman the Chancellor of the Exchequer, in bringing forward his Budget, spoke of the income tax as a "colossal engine of finance." He admitted that the income tax was a colossal engine of finance, and something more. It was an engine which would smite not only the pockets of the people of Ireland, but which would strike down, by repeated blows, if necessary, every social and political injustice which the oppression and tyranny of England had perpetuated in past ages, which would break through the bonds and manacles with which Ireland had so long been fettered, and leave not a shred of the tyranny of England upon Ireland existing to tell the tale of the past to the future generation.

LORD JOHN RUSSELL: Sir, I am anxious to state my reasons for voting against this Motion; and after the speech to which the House has just listened, I do not think I shall find much difficulty in performing that task. The hon. Member for Meath (Mr. Lucas) has perfectly kept his word to the House; he has frankly stated his opinions; and those opinions may be dealt with instead of the Motion of the hon. Member for Mayo (Mr. G. H. Moore), or the speech in which it was introduced. Laying aside every question with regard to inquiry into a number of circumstances that are sufficiently known already, or which, if not sufficiently known, may be learned in the library by any one who chooses to consult the returns presented to Parliament on the subject—laying aside every question of such sort of inquiry, or the results which are to be brought out before the Select Committee, the hon. Gentleman does not conceal that this is a Motion aimed directly at the abolition of the Irish Church. The object may be a good and praiseworthy one; but at all events in the speech of the hon. Gentleman it is not a concealed one; and that, therefore, is the Motion with which we have to deal. Now, Sir, before I deal with that Motion at all, let me say that I think the hon. Gentleman in his statement of the condition to which he says the Irish people are reduced by the existence of that Church, goes far, very far indeed, beyond and beside the question. The hon. Gentleman says that the Roman Catholics are in a state of social and political degradation. Now, Sir, that statement I entirely deny. I do not allow there is any political degradation—because, with very few exceptions indeed, every political honour, every political distinction, is open to the Roman Catholic, as it is open to the Protestant. The seats in this House have been opened; the highest honours of the State, with one or two exceptions, may be attained by Roman Catholics, who may obtain, on the one hand, the confidence of the electors of the country, or who may obtain, on the other, the favour of the Government. Neither is there, as matters at present stand, any social inequality of which Roman Catholics have to complain. Those inequalities which formerly were, we admit, inequalities which tended to degradation, have been removed in later years. The hon. Gentleman finds fault with those who preceded him—the Roman Catholics of former times—who expressed their gratitude for the relaxations made by Parliament in favour of the Roman Catholics. I own I have been accustomed rather to admire than to blame the fervent zeal and loyalty with which, even in the worst of times, the Roman Catholics came forward to defend this land, knowing they were debarred from its honours and offices, and the generosity with which, in any period of peril, they were apt to stand forward to declare their loyalty to the Crown and their attachment to the country to which they belong, and not merely by words, but by gallant deeds in arms, to prove that loyalty and attachment. It may have been a fault, but if so, the hon. Gentleman need not be afraid of its repetition; for, instead of an exuberance of gratitude, the greatest concessions made by Parliament, the largest admissions to our offices and seats in Parliament, have been met by revilings and reproaches, which rather seem to show that some, at least, of the Roman Catholics of the present day wish to prove how much they differ from their ancestors, and that they wish to make up for that exuberance of loyalty and attachment to their country in those former days. My belief, however, is, that the hon. Gentleman, and those who have spoken with him to-night, while they represent some of those who carry to an extreme the political doctrines of the Roman Catholic Church, do not represent the great body of the Roman Catholic people. My right hon. Friend the Secretary for Ireland (Sir John Young), has been misrepresented as saying that indeed it might be desirable to enter into some inquiry upon this subject, if there was a great pressure and agitation upon it: the meaning of my right hon. Friend, I believe, was, that if the intelligence of the Roman Catholic body in Ireland in general—if the intellectual part of the community in England as well as in Ireland generally—complained of a grievance, there would be more cause for inquiry than at present it can be contended there is. But having treated of those political and social inequalities of which the hon. Gentleman complained, I will now come to that which I admit exists—that to which the Motion of to-night relates—namely, the ecclesiastical inequality that exists in Ireland. It is not a religious inequality, because, with respect to religion, the exercise of religious worship is as free to the Roman Catholic as to the Protestant; but, as regards ecclesiastical revenues, there is no doubt a state of law in Ireland, by which the endowments of the State are given to the minority, and the majority of the people share none of the benefits of these revenues. For my own part I could wish, in treating of this question, that the hon. Gentleman and those who think with him, were entirely free from some of those bars and restrictions which have been imposed upon them in the debate of this night; for my part I could wish that there was nothing in the oaths taken by Members of Parliament which should preclude Roman Catholics from discussing subjects of this kind—from asking, if they thought proper, for the total abolition of the Established Church of Ireland, and voting for its subversal and suppression as a political question as freely as they could vote upon any other question. For my part, I consider that these are matters that ought to be freely debated in Parliament, and I am exceedingly sorry that any oath taken at this table should stand in the way of their free discussion. I think likewise that that argument with respect to the union of Ireland—though, no doubt, it is a matter for consideration—should not be pushed too far in an argument on this subject. My hon. Friend the Member for the University of Oxford (Sir R. H. Inglis), says there is a compact between the two nations, and that a bargain was entered into for the maintenance of the Established Protestant Church. I think that, although you entered into that compact, that agreement, if it be clear that the great body of the people of Ireland, if the intelligence and wishes of the people are in favour of a change in that respect, there is nothing in the Act of Union itself which should prevent your making a change in favour of the people of Ireland in respect to an article which was intended for the benefit of Ireland. So much for those considerations which might prevent us from coming to a fair argument and a fair decision upon this question. But I may say further, that, for my part, I do not wish to hear any of those inquiries which the hon. and learned Gentleman opposite alluded to with respect to any relations which may subsist between Roman Catholics and the head of their Church in a foreign country. I am satisfied that Roman Catholics should have and enjoy all the privileges they at present enjoy, and all the funds or endowments granted, whether by Parliament or otherwise, should be maintained to them; and for my own part I do not wish at all to interfere with the freest liberty and enjoyment by them of all the advantages they possess; and when I say this, I do not say anything exceedingly liberal; but I am, at all events, saying more than any Roman Catholic would say with regard to Protestant endowments. But when we come to this practical question, whether or not we should make some very great change with respect to the Established Church in Ireland, I must own that, with respect to that great subject, the experience we have had of late years should not be lost upon us. It has not been lost upon me. With reference to this question, I thought some years ago it would be of great advantage—that it would tend to peace and concord—if a part of the revenues now given to the Established Church of Ireland had been applied to purposes of education, in which persons of all religious denominations might have participated; but I found in course of the discussions, both in Parliament and in the country, neither side was willing to consent to such a compromise, and, while one side steadily and honestly resisted all that spoliation, as they considered it, of the property of the Established Church, the other as steadily required the total abolition of the revenues of that Church. I was obliged, therefore, to consider what course Parliament should take, how better promote contentment among the people of Ireland; how it could remedy that which was alleged as a grievance; and I am sorry to think, that while I cannot hold that the present state of things is, in its apparent arrangement, satisfactory, I see the greatest difficulties, the greatest objections—more than that, I see no small peril—in the alterations that have been proposed. The hon. Gentleman who spoke last, as I understood him, said, "Let us have equality; whatever mode you please to take to attain that, I shall be content with it, provided it is equality." There are only two modes obviously in which ecclesiastical equality—for that is the important question—can be attained. The one is the total abolition of the revenues of the Established Church of Ireland. I am not prepared to take that course. I never shall be willing to consent to the total abolition of the revenues of the Established Church of Ireland. Putting aside the great change it would make—the violation of engagements it would make—setting aside these matters—I cannot but think that you could not abolish the revenues of the Established Church of Ireland without striking at the root of ecclesiastical endowments, and violating the great principle upon which all our endowments are founded. That may be a wrong principle—I mean the principle of ecclesiastical endowments; but it is one I am in favour of—which has been hitherto maintained by the Parliament of this country, and I cannot believe that you could abolish it in Ireland without leading in other parts of the United Kingdom to a similar abolition. Then let us consider whether the second course is open—whether we can make any new distribution of the revenues at present of the Established Church; and by dividing them according to number, you will give by far the greater part of those revenues to the Roman Catholic Church. In so doing you would be acting according to principle—according to the principle you have adopted in other cases, as the late Mr. O'Connell frequently put the contrast before us—as you have the Presbyterian religion in Scotland, so you would have the Roman Catholic religion endowed in Ireland. Now, if the Roman Catholic Church resembled the Presbyterian Church in Scotland, although it would not be just that the Roman Catholics should have, as the Presbyterians in Scotland have, a national Church entirely devoted to them, yet, I can imagine that a large endowment should be given to the Roman Catholic Church in Ireland; but, unfortunately, ecclesiastical equality would not be thereby increased. It has been but too evident of late years, that the Roman Catholic Church—looking to its proceedings in foreign countries—looking to its proceedings in this country—looking to that Church, acting under the direction of its head, himself a foreign Sovereign, has aimed at political power; and, having aimed at political power, it appears to me to be at variance with a due attachment to the Crown of this country—with a due attachment to the general cause of liberty—with a due attachment to the duties that a subject of the State should perform towards the State. Now, as I wish to speak with as much frankness as the hon. Gentleman who spoke last, let me not be misunderstood as saying that this character belongs generally to the lay members of the Roman Catholic Church. I am far from saying so. I am far from denying that there are many Members of this House, and many members of the Roman Catholic persuasion, both in this country and in Ireland, who are attached to the Throne and to the liberties of this country; but what I am saying, and that of which I am convinced, is, that if the Roman Catholic clergy had increased power given to them, and if they, as ecclesiastics, were to exercise greater control and greater political influence than they do now, that power would not be exercised in accordance with the general freedom that prevails in this country; and that neither in respect to political circumstances nor upon other subjects would they favour that general freedom of discussion and that activity and energy of the human mind that belong to the spirit of the constitution of this country. I do not think that in that respect they are upon a par with the Presbyterians of Scotland. The Presbyterians of Scotland, the Wesleyans of this country, and the Established Church of this country and of Scotland, all no doubt exercise a certain influence over their congregations; but that influence which they thus exercise over their congregations must be compatible with a certain freedom of the mind—must be compatible with a certain spirit of inquiry—which the ministers of these churches do not dare to overstep, and which, if they did overstep it, that influence would be destroyed. I am obliged, then, to conclude—most unwillingly to conclude, but most decidedly—that the endowment of the Roman Catholic religion in Ireland in the place of the endowment of the Protestant Church in that country, in connexion with the State, is not an object which the Parliament of this country ought to adopt or to sanction. Sir, these opinions of mine may lead to conclusions unpalatable to many who belong to the Roman Catholic Church. They may lead to a persistance in a state of things that I quite admit to be anomalous and unsatisfactory; but I am obliged, as a Member of this Parliament, to consider—and to consider most seriously in the present state of the world—that which is best adapted to maintain the freedom and permanence of our institutions. I must look around me at what is passing elsewhere. I must see what is taking place in Belgium. I must see what is taking place in Sardinia and in various countries of Europe. I must regard the influence which, if not exercised, has been attempted to be exercised, in the United Kingdom of late years. Seeing these things, I give my decided resistance to the proposal of the hon. Gentleman for the abolition of the Established Church in Ireland, upon the principles which I have stated, and which appear to me to be conclusive against the Motion.

MR. BRIGHT said, he was sorry that he had not been present during the whole of the debate, but he was still more sorry at having heard the speech of the noble Lord who had just sat down. He did not know how the noble Lord viewed his past political career in connexion with this great subject, nor what hopes the country were to entertain with regard to his present and his future course. But he must say that no Minister calling himself a liberal Minister, had, during the last twenty years, spoken in that House in a sense so entirely adverse to all those opinions which had been supposed to distinguish Liberal from Tory Governments during that period. He noticed, too, that the noble Lord on this occasion, as on some other recent occasions, had been cheered with great enthusiasm by those Gentlemen who sat exactly opposite to him; and that those by whom he was surrounded—at least those who sat behind him, and who generally supported him—had listened with silence, and he suspected with disapprobation, if not with dismay, to the opinions which he had that night expressed. He knew not whether this question of the Irish Church was to be considered an open question in the Government. A question affecting the Church of England, discussed a few nights ago, was evidently an open question, because several Members of the Government voted against the noble Lord. The noble Lord had not fairly met the question now before the House. The Motion, so far as he had read it, was precisely that kind of Motion which the noble Lord, of all men in the House, might have been expected to support; but he preferred—rather than deal with the Motion in its terms, which was merely that a Select Committee should be appointed to ascertain whether the ecclesiastical arrangements in Ireland were advantageous to the Irish people—he preferred, rather than deal with that Motion, to assume that every person who had defended it, was in favour of the total abolition of the Protestant Church in Ireland; and then, instead of agreeing to that which would have led at least to some better arrangement in Ireland, he came to the conclusion not to move the previous question —not to abstain from a total denial of any justice, or any measure of justice—but he boldly declared against the Motion altogether, and met it by a direct negative. The noble Lord had made no defence of the Irish Church. He thought there was no man in the House who differed at all from the opinions of the hon. Member for the University of Oxford (Sir R. H. Inglis) who would undertake to defend the Irish Church; but the noble Lord warned the House, that if it allowed these principles to be mooted, and still more to be adopted and established on the other side of the Channel, it would be very difficult to maintain the principle of Church Establishment in England. Well, they all knew that to be true; and they knew, of course, that that was one great reason why many persons in the House and out of it refused to do justice to the Irish people on the question. But what a miserable picture was thus drawn of the Established Church of England! Upon what a rotten and decaying foundation it must be placed if they were afraid that the concession of a measure of justice to Ireland, would before long involve measures of a similar character with regard to England! The noble Lord seemed to fancy that statesmanship consisted simply in the preservation of institutions. Now it appeared to him (Mr. Bright) that statesmanship of a higher order consisted in the maintenance of institutions which are just in themselves, which are found to work advantageously, which are adapted to the people and the times in which they live, and in which they are discussed. But it might be an act of the most anarchical and revolutionary character to maintain institutions which are not just, and which the whole nation have over and over again expressed their absolute opinion against. Now, if the noble Lord's argument should be adopted by the House—and it was so cheered by hon. Gentlemen opposite that he presumed they would adopt it—that the Irish Church must not be touched, lest it should endanger the permanence of the Church of England—he would ask was there ever, in that House or out of it, from the platforms of Ireland, from the newspaper press of Ireland—was there ever, in the most agitated times in that country, a more powerful argument used in favour of a proposition which had been supported in Ireland heretofore, that the Union between this country and that should be abolished? If this kingdom of Great Britain, powerful in population, in wealth, and in the combination of all its people, was to inflict upon a smaller island and its smaller population a great injustice like this, and to maintain that injustice on the ground that it would affect some of the institutions of this country, were he an Irishman, nothing but the impracticability of carrying the proposition would for one single moment keep him from being as zealous a repealer of the Union as that island had ever produced. He should be ashamed of being a citizen of a nation united with a more powerful nation, with institutions thrust upon his country, which that country, if left to itself, would reject—he should be ashamed to bow to those institutions merely for fear some other institution in that more powerful country might possibly be endangered if justice was done to the weaker country. When the Canada Clergy Reserves Bill was discussed in that House during the present Session, the right hon. Gentleman the First Commissioner of the Board of Works (Sir W. Molesworth) and other speakers urged that we were bound in no small degree to concede that measure to the Canadian people, because repeatedly in the Canadian Parliament, by the votes of the Canadian representatives, the opinions of the Canadian people had been declared in favour of that Bill. Hon. Gentlemen who represented Ireland were not now, it was true, sitting in an Irish Parliament on College-green—If they were, two-thirds of them would vote in favour of this Motion. But if they were sitting here instead of there, was it not incumbent on English Members, and on a Government affecting to govern Ireland equally as well as Great Britain, to take into consideration most seriously the evident opinion of the Irish people, as represented by the Irish Members in that House? The noble Lord talked of there being something or other—he did not clearly describe what—which indicated that the Roman Catholics of Ireland were not altogether so attached to the Crown of this country as they might be; but he (Mr. Bright) would point the noble Lord to a country where Catholics were as loyal to the constitution as the Protestants were in this country. Instead of going to Belgium, to Sardinia, and to Austria, he would ask the noble Lord to look at the United States of America, and to point out any single fact, or any single opinion, tending to show that the Catholics of the United States are not as strongly attached to their republican institutions as the Protestants of this country are to their institutions—and for this simple reason—that there Catholics and Protestants were not known in the State and by the Government as such, but were treated all alike, as citizens of the same country equally obeying the same laws, looked upon precisely with the same favour, and treated in every way with the same measure of equal justice. The noble Lord had adverted to the Catholic prelates in Ireland, and to the fact that some persons there and elsewhere in that Church were not favourable to freedom of thought. But he should like to know what was the case with the noble Lord's own Church? Did not the noble Lord recollect that through the whole of his political life, almost up to this hour, he himself had been contending against the political opinions and political combinations of the prelates, and clergy, and professors of his own Church; and that if he, and those who acted with him, had conceded everything that the prelates and the clergy of the Church of England had wished, there would have been in this country no measure of liberty of which we could for a moment have boasted to the world. The noble Lord said that the proposition to redistribute the ecclesiastical revenues of Ireland, and to endow the Roman Catholic Church, was a question of a very serious character. He (Mr. Bright) was not one of those who advocated the endowment of any Church; but the noble Lord, and a portion of those who now acted with him, had expressed opinions different from those they now held, and in favour of giving stipends to the Roman Catholic clergy in Ireland. Whence, therefore, arose the inconsistency which was so apparent in the noble Lord? No doubt because he was associated in the Government with Gentlemen who would find it extremely difficult to agree upon a question of this kind:—but the noble Lord's political character and reputation ought to be dear to himself, and he (Mr. Bright) said, that the Roman Catholics of Ireland would be worthy of the contempt of the world if, with such an ecclesiastical arrangement in Ireland, they did not attempt to correct it. He would say that the Roman Catholic liberal Members of Ireland would be unworthy of a seat in any senate in the world if they did not protest against the monstrous injustice inflicted on their country. He suspected that all Churches, if the truth were known, were not particularly favourable to civil liberty; and he did not think that any Church bound up in union with the State ever encouraged that State or any State to grant increased civil liberty to the people. The reason why in this country the Church appeared to be, and was to a large extent, more tolerant than many others was, because the people had gained greater civil power, and had by slow degrees and incessant conflict subjected in some measure the Church and the clergy to a more wholesome public opinion. If any man complained that in Ireland Catholic prelates and priests had too much power over the people, he (Mr. Bright) attributed that entirely to the fact that for along period the legislation of that House had bound priest and people together in one bond, and had done much to subject the people to whatever there was of unwholesome influence on the part of the priests. At the present moment it was impossible for any impartial person to travel through Ireland, and not perceive that there was one question which poisoned all the social relations of that country. Whether in the elections or in any other matter, political or social, this one question of the Church Establishment was the pestilent and poisonous question in Ireland, and made it as impossible now as for the last 200 years that that country should be in the possession of tranquillity and contentment, which every man, he hoped, in that House would wish to prevail there. The hon. Member for Meath (Mr. Lucas) said they might have a long, an arduous, but he believed it would be a successful, struggle. Now, if he (Mr. Bright) might give a piece of advice to Irish liberal Members, whether Protestant or Roman Catholic, it would be that they should make this question of religious equality in Ireland the cardinal question in their political movements. Were he a Roman Catholic, he would not come into that House and let any occasion slip of denouncing the insult offered to his Church and his country. He said to the Irish Members, Let their measures be practical—let them bring all the information they had on the question before the House and before the people of England; and though at present there existed a feeling adverse to giving complete liberty to the Roman Catholics of Ireland and England, yet they might rely on it these fevers would pass away, and calmer and better times would come. Let the Irish Members still join the English liberal Members in all they attempted to do for the common liberties of England and Ireland, and they might be sure, despite of the noble Lord, and despite of the Government, which could not agree probably on a question like this, there was goodness and there was greatness enough in the people of this country yet to consent to a measure of full justice to Ireland.

MR. J. D. FITZGERALD said, that as a Roman Catholic Member, he could not permit the speech of the noble Lord the leader of that House to pass without observation. He had felt the deepest disappointment at that speech; for he certainly had not expected to hear the tone and arguments of the hon. and learned Member for Enniskillen (Mr. Whiteside) adopted to some extent by the representative of the Government. He had heard from the noble Lord that which he conceived to be an insult to the venerated clergy of his Church, and also to a considerable extent to the Roman Catholic Members of that House. The noble Lord had argued that the Irish Church Establishment was not to be interfered with, not because it was wise, just, or beneficial to support it; but because there was a spirit abroad which the noble Lord alleged induced Roman Catholics and the clergy of the Roman Catholic Church to give political power to a foreign Sovereign, and to interfere with the constitution of this country. He felt called on entirely to deny that statement; and, in support of his denial, he appealed to the experience of the twenty-four years during which Roman Catholics had been Members of that House. He did not deny that the Roman Catholic clergy exercised in the election of Members of Parliament considerable influence; but judge of the mode in which that influence had been exerted by the conduct of Roman Catholic representatives. He appealed to twenty-four years' experience in the House, and if the noble Lord the Member for the City of London had remained in his place, he would have appealed to him, and asked whether, since the year 1829, when Roman Catholics were first admitted into the House, every Roman Catholic vote had not been invariably given in favour of civil and religious liberty? If he was wrong in that opinion, his argument would fail; but, recollecting the history of the last twenty-four years, he made the appeal with confidence, because he felt assured that the Roman Catholic Members of the House had ever been supporters of civil and religious liberty; and he defied hon. Members to contradict that assertion. He did not understand what fanciful fear haunted the mind of the noble Lord the Member for the City of London, or what caused him to hold the opinion that the Roman Catholics should be deprived of any political privilege, for fear of that privilege being used to serve the purposes of some foreign potentate. He was well persuaded that no subjects of the Crown would be more ready to resist any attack upon our constitution, or to prevent any undue or foreign political influence being exercised. Their past consistent career fully justified the expectation. He had listened attentively to the whole of the debate—at first without any intention of himself taking part in it—and he must say that he had not heard one single argument against the Motion before the House, while he had heard a great many in favour of it. In the speech of the hon. and learned Member for Enniskillen, he had not only heard no argument against the Motion, but he had heard a most powerful one in favour of it. The hon. and learned Gentleman stated that from the time of Bishop Boulter down to a recent period, the Protestant Church in Ireland had been a scene of virulent corruption. Bishops had been appointed on account of their ignorance or stupidity, or as a political reward. He appealed to the Protestant Members of the House if a stronger argument could be brought forward against the continuance of a system which had led to such results? What, he would ask, was it that had brought degradation upon the Church in Ireland? It was—and he spoke without any feeling of hostility—the existence of that enormous and corrupting Establishment that could not be in reason supported. Hon. Gentlemen adverse to the Motion, had advanced another argument which required to be noticed. It had been said that by the articles of the Union they were prohibited from raising this question; but that surely was not a well-founded argument—nor could it be truly said that Parliamentary action was in any way trammelled. There were many other points which had fallen from the noble Lord and from hon. Members on the other side, to which he should have wished to reply; but seeing the lateness of the hour, he would no longer trespass upon the attention of the House.

MR. MOORE said, that although the hon. Member for Meath and the hon. Member for Manchester had not left anything unanswered which had been stated in opposition to the Motion which he had ventured to bring before the House, still, as allusion had been made to him, he hoped that he might be permitted to say a few words in vindication of his Motion. However hon. Members had disagreed in their views upon this question, there appeared to be an unanimous impression, that to institute an inquiry into the Irish Church Establishment would be synonymous with the subversion of the establishment. Now, he was not prepared to say that that might not be the result of his Motion, but he denied that any such consequence was necessarily implied. It had been asserted that his proposition was to leave the inquiry to twenty-four Roman Catholic priests and Archbishop Tuam; whereas what he proposed really was that the matter should be left to the consideration of a Parliament containing a majority of Protestant Members; and if that resulted in the subversion of the Church Establishment, it would surely be allowed that that establishment was considered undesirable even by Protestants. He did not consider that it necessarily followed that because he was seeking to reform the Church Establishment in Ireland, he was therefore seeking to overturn the Church in this empire. Many persons believed that the corruption of the Church in Ireland actually endangered the existence of the Church in these realms; and it was not to be said that because he was endeavouring to purge it from that corruption he was seeking to impair the Established Church. The right hon. Baronet the Member for Oxford University said, that the Church in England and the Church in Ireland ought to be considered as two parts constituting a whole. He quite agreed with that opinion; but at the same time he considered that the Irish Church was the diseased part, and that by curing it or eradicating it altogether, the whole would be considerably improved. The hon. and learned Member for Enniskillen had advanced one of the most extraordinary arguments he had ever heard. The hon. and learned Gentleman had stated that the voluntary system was a source of evil to the community; and yet he proposed that that system should be retained for seven-eighths of the population. With regard to the observation of the noble Lord, that the Irish people had not only proved ungrateful for services rendered to them by the people of this country, but that they had repaid them with abuse, he would only say that, according to his judgment, such was not the case. The noble Lord had libelled the whole Catholic population of Ireland, and then he presumed to insult them by paying them a compliment at the expense of their clergy. He told them that the Catholic clergy were not the friends of religious liberty; but he (Mr. Moore) should like to know how religious liberty ever would have been attained in Ireland without the Catholic clergy? If it was true, as had been said, that the Irish Liberal Members were returned by the Catholic priests, he asked whether they had ever shown themselves to be the enemies of civil and religious liberty? Was there a question affecting civil and religious liberty that they and the Catholic clergy had not supported, and that the Protestant established clergy had not sternly opposed? He trusted that as the state of facts admittedly called for inquiry, an investigation would be granted.

Question put. The House *divided*:—Ayes 98; Noes 260: Majority 162.

INDIA—QUESTION.

MR. BRIGHT wished to ask a question respecting India, but was sorry to find that, in addition to the other difficulties surrounding the question, they had to deal with a President of the Board of Control who did not appear on the front benches until the time for asking questions had passed. [*Sir Charles Wood at this moment entered the House.*] He would now put his question to the right hon. Gentleman. What he wanted to know was, whether the Government had received any information touching the changes which it was said the Chinese Government was about to make, or had already made, with regard to imposing a duty upon the importation of opium into China, and to legalising its growth in that country? If the Government had received any information on a matter which was so closely connected with the finances of India, he wished to know whether they would lay the papers before the House?

SIR CHARLES WOOD could assure the hon. Gentleman that he had come straight to the House from the Cabinet. He was not aware that any official information had been received of the nature alluded to by the hon. Gentleman. He had heard a rumour that the Chinese were disposed to grow opium, but not officially. He would make an inquiry upon the subject, and let the hon. Gentleman know the result.

INDIAN JUDGES.

MR. OTWAY said, that a short time ago two Judges of the Sudder Adawlut, the highest native court of judicature in India, were suspended from their offices in Bombay. Following this proceeding, Mr. Luard, a gentleman in the Company's civil service published in the newspapers articles attacking the character of the Indian Judges generally. Shortly after Mr. Luard was suspended from employment by the Bombay Government. He wished to know whether the Government were in possession of any papers relative to the suspension of the two Judges; and also whether it was their intention to institute any inquiry into the circumstances connected with Mr. Luard's suspension from employment?

SIR CHARLES WOOD stated, that he had not received any papers connected with the case.

MR. PHILLIMORE wished to know whether the right hon. Gentleman could produce any information relative to the proceedings of a court-martial recently held in India upon an officer charged with brutal and violent conduct towards Sepoys.

SIR CHARLES WOOD replied, that when he made inquiry on the subject a few days back he found that no report of the court-martial had arrived.

DURHAM ELECTION PETITIONS.

Order read, for resuming adjourned Debate on Question [10th May], "That a Select Committee be appointed to inquire into the circumstances under which the petitions against the return of William Atherton, esquire, and Thomas Colpitts Grainger, esquire, for the City of Durham, have been withdrawn, and that the Petition of certain Electors of the City of Durham, presented to this House on the 20th day of April, be referred to the said Committee."

Question again proposed.

Debate *resumed.*

VISCOUNT PALMERSTON said, when this subject was last under discussion, the House agreed to adjourn the debate until a decision had been come to upon a Motion for the appointment of a General Committee for an inquiry into all cases of this kind. That Motion had stood for to-night; but it had been postponed until Tuesday, and he therefore moved that this debate be adjourned till that day.

Motion made, and Question put, "That the debate be now adjourned."

SIR J. TROLLOPE observed that the proposition of the hon. Member for East Surrey (Mr. Locke King) was for the appointment of a Committee to inquire into election petitions that had been withdrawn. Now, no less than sixty-eight election petitions had been withdrawn, and he did not think Members would readily consent to serve upon a Committee which was to conduct so extensive an inquiry, neither could the investigation have been got through in the present Session.

MR. DISRAELI said, a grievance had been complained of, and a debate had taken place on the subject about three weeks ago. The noble Lord now said that the hon. Member for Surrey was going to propose a Motion which, if carried, would provide a mode of remedying that grievance; but it was by no means certain that the Motion of the hon. Member for Surrey would be agreed to. He (Mr. Disraeli) thought the best course would be to appoint a specific Committee to inquire into the grievance alleged in this case.

Mr. PHINN recommended that at that hour in the morning the debate should be adjourned.

Sir J. TROLLOPE certainly thought that there was more in this case than could be laid at the door of the agents. It must be remembered that election agents acted generally under the instructions of others. The names of agents were sometimes bandied about as being the parties solely responsible; but he believed that if the House instituted the inquiry now asked for, they would have to go far beyond the agents, and to ascertain whence they had derived their instructions. The agents were often very unjustly charged with acts with which they had no direct connexion.

Mr. BENTINCK said, he could not consent to the adjournment of this debate. The case involved a very great irregularity, and an infringement of the privileges of that House, supposed to have been committed by a Parliamentary agent; but since he last addressed the House the case had assumed an entirely new aspect, and it had become matter of notoriety that the agent had not acted upon his own suggestions, but upon much higher authority. He (Mr. Bentinck) thought he should adopt the most straightforward course in stating the rumours he had heard on the subject, and in giving the hon. and learned Gentleman, whose name had been mentioned in connexion with the matter, an opportunity of either admitting or denying the share attributed to him in this affair. It had been a matter of notoriety, mentioned to him by many hon. Members, that the suggestion of the petition to which he had, on a former occasion, called attention, did not emanate from the Parliamentary agent, but came from Her Majesty's Attorney General (Sir Alexander Cockburn). In confirmation of this statement he had in his hand a letter addressed to Lord Adolphus Vane by a gentleman connected with the county of Durham, who said he had heard it stated generally that Mr. Atherton went to Sir A. Cockburn seeking his advice, and stating that he had spent 1,000*l.* in contesting the city of Durham, and was fearful of losing his seat; upon which Sir A. Cockburn advised a counter petition against Mr. Grainger, which he thought might cause the withdrawal of the petition against Mr. Atherton. [*Cries of* "Name, name!"] The writer of the letter was Mr. Trotter, a medical gentleman resident at Stockton.

Mr. ATHERTON would not have risen to speak on this subject, had it not been for the very unfounded piece of gossip which the hon. Member for West Norfolk (Mr. Bentinck) had thought proper to publish to the House. He said, without the slightest hesitation, that there was not a word nor a semblance of truth in that statement. He never stated to the Attorney General that he had expended 1,000*l.* or a single farthing, in contesting the city of Durham, nor had he asked the hon. and learned Gentleman's assistance or advice for the purpose of getting rid of the petition. But as the matter had been broached, though the suggestion was made in the confidence of private friendship, and he did not know how it had escaped, he would state to the House what actually took place. At the general election Mr. Grainger and himself were returned for Durham, and a petition was threatened immediately afterwards on the ground of a premature close of the poll, it being alleged that the poll had closed in one of the booths four minutes before four o'clock; though, as far as he and his friends could make out, there was no foundation for the assertion. Mr. Grainger died within a month; and he himself, when at Liverpool on the circuit, received a letter from a gentleman whose name was very familiar to the House in connexion with such matters—Mr. Brown. It stated in effect, "I am anxious to communicate with you on your return from circuit, on the subject of the last and previous elections for Durham; my firm has been retained against the last return, and my object is to prevent a contest at the ensuing election"—a very intelligible letter, considering that his present Colleague (Lord Adolphus Vane) had already announced his intention to stand. The meaning he conceived to be, "Allow the present candidate on the Conservative side to walk over the course, and we will abandon the petition that has been threatened against you." To that letter he returned the answer which he believed would have been made by every Gentleman then listening to him—simply, but civilly, declining any communication on the subject. Mr. Brown thereupon betook himself to a gentleman in his own walk of life—Mr. Coppock—desiring him to put him in communication with some leading Liberal of the city of Durham, for the purpose of ascertaining whether some arrangement could not be made to prevent the opposition to Lord Adolphus Vane, on condition of the threatened petition being withheld. That application met with the same fate as the first; and the petition was ultimately presented, on the sole ground of a premature close of the poll, it being alleged that a booth had been obliged to be closed in consequence of a disturbance; but it was not pretended that this in any way affected the majority. The prayer of the petition was to avoid his seat only; but the view he took was, that notwithstanding the narrow prayer of the petition, the general facts alleged would have the effect, if proved, of avoiding both seats. He was thereupon led to believe that he should stand the contest under the advantageous circumstances of a double vacancy. In this state of things he came into contact with his hon. and learned Friend the Attorney General. He stated to him the facts upon which the petition was founded. He stated to him the prayer, and the limit of the prayer, of the petition, expressing his own opinion possibly, that notwithstanding the terms of the prayer, the effect of the petition would be to void both seats if it were substantiated. His learned Friend, however, who had had experience in Parliamentary Committees, stated this, and this only, "I doubt your opinion; for, in my judgment, the jurisdiction of a Committee is limited, and defined by the terms of the prayer; and no Committee to whom the petition can be referred can avoid more than one of the seats." No further conversation took place; but he (Mr. Atherton) reiterated his own opinion. He had been partly confirmed in that view by a gentleman with whom he was in connexion; and he was advised, on considering the matter over, adopting the opinion that if that petition should not have the effect of putting him in the position in which he ought to be, that another petition ought to be presented for that purpose, praying to avoid the other seat, as the existing petition prayed to avoid his. He left the gentleman by whom the petition was to be prepared with the understanding that he was to prepare a petition to carry this into effect; and it was under these circumstances and for these reasons that the petition was presented. This petition, upon being presented, immediately brought Mr. Brown into communication with Mr. Coppock, to suggest the withdrawal of the petition upon the terms of the first being withdrawn. These were the whole facts of the case; and he thought he was justified in the course he had taken. It had been said that they were not similar to other cases where petitions had been withdrawn. He himself hoped that in no case had petitions been withdrawn under circumstances less justifiable than those he had stated. It was obvious, from the conduct pursued by the Conservative agent in seeking to make use of the threat of a petition to deter opposition to the return of his candidate; from the fact of that petition being presented after the application, which had been fruitless; and from the limited prayer of the petition, that by that petition he was sought to be put to a disadvantage; and he had every reason to believe, and he still believed, that the petition levelled against him was unfairly levelled at him for an indirect object. Under these circumstances, the forms of law and the proceedings of Parliament being levelled against him the sitting Member for such indirect purpose, some of his friends and supporters—who made no disguise about the matter, for one of his own agents put his name unnecessarily to the petition, and there were two petitions, whereas one would suffice—presented the petition; and it was presented under circumstances which he then thought, and still thought, perfectly warranted the course that had been adopted. He had at no time declined a fair and proper inquiry; but he did object to being singled out invidiously, and directly to be marked out as an object for such a special inquiry as was proposed by the hon. Gentleman opposite.

The ATTORNEY GENERAL said, he had nothing to complain of in the conduct of the hon. Member in bringing forward this Motion. The hon. Member had given him notice, not exactly of the charge he intended to make, but that he was about to bring his name and conduct into question. Upon this, he had desired Her Majesty's Government should resist the Motion; for he was most desirous of meeting and testing any charge which the hon. Gentleman might bring against him. The House had now heard the hon. Gentleman's explanation. No man was more sensible than himself of the liability of any man occupying a public position, to have his public or official conduct and conversation made the subject of inquiry and investigation; but he must protest altogether, although he needed no protest on this occasion, against having the private conversations which took place between one gentleman and another, in the unreserved confidence of private friendship, being disclosed. Whatever passed between his hon. and learned Friend (Mr. Atherton) and himself, passed as between one gentleman and another, as between one private friend and another. He could easily conceive, if the petition presented on behalf of his hon. and learned Friend, which was proposed to be made the subject of inquiry, was one which had ulterior objects, that the present petition which the hon. Gentleman opposite proposed to refer to the Select Committee, had also ulterior objects, with which the House was not acquainted. He could easily conceive a private conversation taking place between the hon. Gentleman who brought the subject forward, and those from whom the petition emanated; but he should deem himself guilty of a great violation of private delicacy if he ventured to ask the hon. Gentleman what conversation he might have had with particular individuals. But he would state in a few words what had passed between his hon. and learned Friend (Mr. Atherton) and himself. It was a most hurried conversation, and took place without the slightest deliberation on his part. He was in the Court of Exchequer—a cause was going on, and he expected to address the Court every moment. His hon. and learned Friend said, he wanted to speak to him for a moment; and he replied it must be only for a moment. His hon. and learned Friend then stated that a petition had been presented against him, and propounded the question which he had just stated. He (the Attorney General) gave to him in a moment and off-hand his opinion; he told him he was wrong in expecting that the effect of the petition against him would be to suspend the issue of the writ after the death of Mr. Grainger, and that nothing could prevent the writ from issuing except a petition presented against Mr. Grainger. The conversation had proceeded to that point when he was called upon to address the Court; he did address it; and there, so far as he was concerned, the whole thing ended. His hon. and learned Friend sought his agent; they took their own course, and he heard no more about the matter; nor had he even thought about it until a few days after, when by accident he met his learned Friend in Westminster Hall, who told him that a petition had been presented, and that Mr. Brown had put himself in communication with him, proposing to withdraw the petition against him. These were the true facts of the case. That was the whole story; but he could not conclude without making one remark. This petition was presented in November last. The proposition for a compromise proceeded from the noble Lord opposite (Lord Adolphus Vane), with a view to open a field for the noble Lord in the representation of Durham. The noble Lord afterwards went down to that city, and was returned, and had sat for Durham from that time to the present. Six months had elapsed, and when the Committee was on the eve of being struck, the hon. Member for West Norfolk (Mr. Bentinck) had brought forward this Motion. He could not but think that the Motion had been brought forward for the purpose of intimidating his hon. and learned Friend the Member for Durham (Mr. Atherton). He could only say, with regard to himself, that he had no intention whatever of leading his hon. and learned Friend into any course which would be derogatory to him, or inconsistent with the dignity of the House.

MR. BENTINCK denied that he had been guilty of any breach of private confidence in the statement he had made. He had given the names of all the parties concerned; and he maintained that the explanations which had just been tendered had justified him in all that he had said.

The House *divided*:—Ayes 80; Noes 89: Majority 9.

Original Question again proposed.

VISCOUNT PALMERSTON said, the simple question seemed to be, whether the inquiry should be conducted by the general or by a special Committee. If the prayer of the petition was very complicated, there might be some ground for saying a general Committee would be too much overladen with matter to see to the subject; but it did not appear to be of any very extraordinary difficulty, or to require much explanation. It remained for Gentlemen opposite to show that it was so. He had not the slightest wish to prevent the fullest inquiry; but they ought to state some special circumstance to prove the case was one for a special Committee.

MR. DISRAELI said, the House had before it a factious petition, presented to Parliament in order to effect a return, and that by a notorious presenter of petitions and dealer in Parliamentary seats. They had that fact before them; and he thought it a subject for examination and inquiry. Then, what was the suggestion made on the part of the Government? Why, this—that the remedy should be a hypothesis. A grievance was admitted:—but on Tuesday next an hon. Member was going to make a Motion which might possibly suit the parties complaining. Who could tell what would happen next Tuesday? He would counsel the House to come to this conclusion, that they would inquire into that grievance, existing as it did under circumstances which he thought formed a flagrant trifling with the privileges of the House, and he did not think they would do that more effectually than by appointing a Committee.

Mr. BENTINCK said, the circumstances were such as to induce him to press the House to divide on his Motion.

Sir R. H. INGLIS said, the petition itself was presented in November; and he wished to know if any new facts had been presented to the hon. Member (Mr. Bentinck) to render this case different from what it was six months ago?

Mr. KEATING said, this Motion was brought forward some time ago, and was postponed then on the ground that till the inquiry by the Committee on the petition on the Durham election was disposed of, it was not expedient to go into the present petition. He contended that the same reasons still existed for postponement.

Motion made, and Question proposed, "That this House do now adjourn."

Mr. ELLIOTT then moved the adjournment of the House on the ground of the late hour to which the debate had been protracted, and the rather as the Government business was never allowed to proceed at such a late hour.

Mr. DISRAELI said, there was no similarity between this case and that of Government business. The Government had the whole night to bring forward their business, but here was the case of a private Member who could not bring on his Motion until after midnight. The opposition, therefore, was not only vexatious, but it struck at the privileges of independent Members, and he appealed to the noble Lord opposite not to sanction such a proceeding.

Sir JOHN SHELLEY advised the House to agree to the Motion, as he thought the case was an exceedingly trumpery one, which any Committee would agree upon in a few hours.

Mr. SIDNEY HERBERT said, the Government had not the slightest objection to inquiry. The only question was, whether, as there was a Motion for a Committee to inquire into all compromises of election petitions, and as this was such a case of compromise, this case should not be referred to that general Committee, or whether it should be referred to a Select Committee on its own merits.

Mr. BUTT would vote for a Committee of Inquiry, because he thought this was the grossest breach of Parliamentary privilege that had ever been brought forward.

The ATTORNEY GENERAL said, that all parties were agreed that there should be inquiry. The only question was as to the mode and the time. As to the mode, he should not care how it was settled; but with regard to the time, he really thought that as the petition on the last Durham election was to come on the day after to-morrow, this inquiry ought to be postponed till it was settled.

Mr. BENTINCK said, if the House would agree to a Select Committee, he would not name that Committee till the Durham petition was disposed of.

Viscount PALMERSTON would recommend the House to close with this proposition.

Motion for adjournment *withdrawn*:—Original question put, and *agreed to*.

House adjourned at half after Two o'clock.

HOUSE OF COMMONS,

Wednesday, June 1, 1853.

Minutes. Public Bill.—2° Consolidated Fund £4,000,000.

NEW TRIALS (CRIMINAL CASES) BILL.

Order for Second Reading read.

Mr. I. BUTT moved the Second Reading of this Bill. In doing so, it was necessary for him to explain to the House the principles of the measure, and the reasons upon which it was founded. He might venture to remind the House, that at a very early period of the Session he had given notice of this Bill. Circumstances which he could not control had prevented his being able to bring the subject before the House, and he had been obliged to introduce the Bill without any statement of its objects. This imposed upon him now the necessity of asking the attention of the House while he briefly stated its provisions, although he felt the disadvantage under which he would be placed. Usually, the person having the carriage of a Bill, had, on the second reading, the opportunity of waiting to hear objections, and to reply to them. It was not easy to exaggerate the importance of the question he had undertaken to bring before the House in relation to the administration of the criminal law. He felt the responsibility which attached to any proposal to alter established practices, and no one could be more sensible of the caution and diffidence with which such alterations should be proposed. He would, in the first place, ask the attention of the House to the present state of the law—one involving anomalies which it was impossible to deny, and he thought impossible to defend. In civil cases there was the right of appeal. If any Member of that House were sued for a sum of 20*l.*, he would have the right—the uncontrolled right—of questioning the law that was ruled by the judge ; he might, in spite of the judge, appeal against his decision, and, if he thought fit, carry that appeal to the highest tribunal in the land. He might do this if he questioned the decision of the judge as to his liability, or if that judge admitted against him evidence which he thought ought not to be received. Again, he had a right of appealing against the finding of the jury on the matter of fact. If dissatisfied with the verdict, he might apply to the Court for a new trial, and if he could show that the verdict was not warranted by the evidence, or that it was obtained by evidence which came upon him by surprise, or even that since the trial he had discovered testimony which he could not reasonably have known before—in any of these cases he could have a reinvestigation, when nothing more was at issue than a pecuniary demand. But let him be tried for his life before the very same judge and the same jury, and he had no redress whatever against the error of the judge in point of law, or the mistake of the jury in fact. He could only question the ruling of the judge, if the judge thought proper to permit it ; against the finding of the jury he had no redress. If it were right that a man should have this power of appealing before a court of justice could adjudge him to pay a sum of money, what pretence was there for saying he ought not to have it before he was condemned to death ?

But this was not the only anomaly in the administration of the law. The right of new trial at present existed in some criminal cases. He earnestly asked the attention of the House to this—if criminal proceedings were instituted in the Court of Queen's Bench, the right of obtaining a new trial existed. It had long been the ordinary practice of that Court to grant new trials in cases of misdemeanour depending before itself. The general opinion had been, that this practice had been limited to accusations of misdemeanour, and that the right of applying for a new trial did not belong to a person charged with felony. This was the settled opinion of the legal profession. Of course, it made the anomaly more glaring if the right depended on the name of the offence. But, as if still more to illustrate the unsatisfactory state of the law upon the subject, about two years ago the Court of Queen's Bench in England granted a new trial in a case of felony. No observation was made, which showed that the attention of the Judges had been directed to the point. The precedent was established *sub silentio,* certainly contrary to all previous impressions. It was not easy to say whether they were to regard this as establishing the right. If it did, it established the strongest argument for his proposal, by proving that judges had seen the necessity of extending the exercise of their power to all cases. But be this as it may, let the House see the absurdity of the present state of things. In criminal proceedings depending in the Court of Queen's Bench, there was the right of appeal—in those depending in Quarter Sessions or a Recorder's Court there was none. So that if any man were tried for an offence before the Chief Justice of England, and a special jury of Middlesex or London, he had the right, upon an application for a new trial, to question the law of the Chief Justice, and the verdict of the jury —to appeal from the first tribunal in the world—from the chief judge of criminal judicature in England, and the best jury that could be empanelled; and it was every term a practice that verdicts of guilty found by such a tribunal were set aside. But if it happened that the very same trial had taken place—as it might have done—before the Chairman of the Quarter Sessions of the most remote county, with all his sense of the value of this local administration of justice, it was no disparagement to a Chairman of Sessions to say his decision might need correction as much as that of the Chief Justice. Let the offence be tried, not before the Chief Justice and a special jury, but before the Recorder of the pettiest borough—before the least intelligent and worst educated jury that could be empanelled in an English or in a Welsh court—and then the ruling of the judge and the finding of the jury were conclusive, and the appeal which the law gave him from the Chief Justice of England and a London special jury, is denied him from a tribunal such as this. Was it possible to maintain or defend anomalies like these ?

Even this was not all—the law and the constitution invested the Court of Queen's

Bench with the superintendence and control of all inferior criminal jurisdictions; that is, of all Courts except the House of Lords, or the Court of the High Steward for trial of a Peer. This was the principle of the law. The Court of Queen's Bench had the power to correct the erroneous judgments of all other Courts. But how was this limited, and made a nullity in practice? Only by this—that the Court of Queen's Bench could only know what passed in the other Court by that which was called the record—that is, the formal entry of the proceedings on parchment. The record, however, conveyed about as much information of the proceedings as the Votes published each morning did of the debates in that House; it showed the charge, the finding of the jury, and the sentence, but it did not show one particle of the evidence, or the rulings of the judge. What, then, was the result? That the power of supervision in the Court of Queen's Bench was limited to errors which in technical language appeared on the record. No matter whether the error was important or minute, if it found its way into the formal entry of the proceedings, then it became matter of the correction of an appellate tribunal, even were it only the misprision of a clerk. The gravest errors that did not so find their way, the Court, which the law nominally invested with complete control, had no power either to remedy or correct.

He might venture to illustrate this by a reference to what occurred at the Irish high treason trials of 1848. A writ of error was brought first to the Queen's Bench, and afterwards to the House of Lords. The impeachment of the proceedings was confined to matters on the record. Among these, it was alleged that it was a mistake that when the prisoner appeared, to have been asked the question, "what he had to say why sentence should not be passed upon him?" without the words "sentence of death." It so happened that this was a point of the proceedings which must be entered on the formal proceedings, and therefore the prisoner had an opportunity of appealing to the highest tribunal in the realm. Far more so was this objection: the House of Lords heard it argued and decided it; they decided it against the prisoners. This did not alter the illustration. If the judge had happened to pass sentence without the question being put at all, or even if the clerk had omitted to record it, the court of error must, for this omission, have reversed the judgment of the Court below.

Upon a like question, the convicted person could now obtain the opinion of a court of appeal. But let him suppose that, instead of a mistake such as this, the judges in that trial had wholly misinterpreted the law of high treason—had told the jury that facts constituted high treason which did not in law amount to that crime—had received evidence which the law would not tolerate to affect a man upon his life: no matter how grave or how serious their errors, the Court, which could and would reverse the sentence if the judges had omitted to put a formal question, had no power to examine into these errors at all. The appeal which the accused party would have upon the most trivial point of form, was denied to him upon the subjects upon which the legality of his conviction must depend.

This would not only illlustrate the anomalies of their present system, but it would show that he (Mr. Butt) proposed no novel principle in the law or constitution of the country. He proposed, in truth, to carry out their old principles; to give to the accused party the protection which he would have if the record were not a mere formal entry, but disclosed the actual proceedings of the court; to make the supervision which the constitution vested in the Court of Queen's Bench over other criminal tribunals a reality, and not a mere name; and to give to that court the power of correcting, not merely mistakes in point of form, but those errors that actually affected the substantial justice of the proceedings.

He must now ask the attention of the House to the efforts that had been already made to alter the law on the subject to which the Bill now before the House related. From the earliest times, the judges had themselves attempted to supply the place, in some respects, of an appellate tribunal, by reserving questions of law for the consideration of the twelve—or, afterwards, the fifteen—judges. If, in any case of a conviction, the judge entertained a doubt upon any point which he had decided against the prisoner, he reserved it for the other judges: but this was nothing more than taking their opinion in private whether he had been right. The objections to this course were many. In the first place, the reservation of the question depended entirely on the discretion of the judge. In addition to this, the case was not necessarily argued by counsel. There was no public hearing of the appeal; no reasons were given for the decision; and the result of an opinion favourable to the prisoner, and which ought to have entitled him to an acquittal, was a recommendation to the Secretary of State to grant him a free pardon, that he might obtain from the mercy of the Crown that to which it appeared by law he had a right from the justice of the tribunal by which he was tried.

Imperfect and unsatisfactory as was this mode of appeal in every respect, in three it was pre-eminently so:—it was at the discretion of the judge; it did not exist as to matter of fact; and, lastly, if a mistake had been committed in point of law, however little it might affect the merits of the case, instead of sending back the accused to a new trial, it obtained for him an absolute discharge.

Attempts had been made by legislators to remedy these obvious defects. He (Mr. Butt) was strongly under the impression that Sir Samuel Romilly had brought into that House a Bill similar to that of which he now had charge. He (Mr. Butt) had made a note, he presumed upon some sufficient authority, that he had. Unfortunately, he had omitted to note, at the same time, the authority on which he relied; and, with all his efforts, he was not now able either to remember or to trace it. He would not venture positively to state it as a fact, but he had certainly a very strong impression that, for a Bill giving the right of new trials in criminal cases, he had the authority of that great man.

In 1844 a Bill with the same object was introduced by his hon. and learned Friend the Member for the county of Suffolk (Sir Fitzroy Kelly). He would ask of any one doubtful upon this question to read the masterly speech in which his hon. and learned Friend had introduced that Motion, and he ventured to say it would bring conviction to his mind. The Bill then introduced was never rejected by the House. The late period of the Session at which it was brought in precluded the possibility of its passing; and the second reading was withdrawn, on a promise that Government would take up the subject in the next Session—a promise which led to the usual result of such promises.

In 1848 a Bill was brought in for the same purpose by his hon. Friend opposite (Mr. Ewart), whose name he was proud to have associated with him on this Bill. This Bill, again, was not defeated, but postponed, and postponed on the ground that a Bill had been then introduced by Lord Campbell in the other House, which might probably in its progress embrace the object in view.

This brought him to the change effected by that Act of Lord Campbell's, which was passed in 1848, and which instituted a court of criminal appeal. This Act only substituted for the old and irregular mode of taking the opinion of the judges, the decision of a regularly-constituted court. The cases were now in every instance argued by counsel; the judges pronounced their decision in open court, and assigned their reasons for it; and, instead of the recommendation to the Secretary of State for a free pardon, the Court judicially reversed the sentence if it were wrong. But in other respects the new tribunal had the defect of the old reservation for the judges. The right of appeal in point of law was only granted at the discretion of the judge from whose decision you appealed: there was no opportunity of reviewing the finding of the jury as to matter of fact, and there was no power of directing a new trial. The effect of this was, that if a judge improperly received evidence, without which, very likely, a prisoner might have been convicted, yet the Court of Appeal could not send back the case to a reinvestigation without the objectionable evidence, but must absolutely discharge the accused.

The Bill which he (Mr. Butt) had introduced, while it permitted new trials, went beyond Lord Campbell's Bill in giving the absolute right of appeal without asking the consent of the judge, while it established, also, the power of setting aside verdicts upon the same grounds upon which the courts set them aside in civil cases. The House would perceive that two questions were thus raised—one as to the expediency of giving an absolute appeal in point of law, where now it was only permitted at the discretion of the judge: the other, and a very different question, as to the prudence or the practicability of establishing a tribunal which would review the finding of juries as to facts. He (Mr. Butt) did not overlook or forget the fact, that during the progress of Lord Campbell's Bill through the Lords, evidence had been taken as to the prudence of establishing an appeal as to matter of fact. It had been supported by some distinguished testimony; but it had been, he admitted, opposed by the opinion of most of the Judges. The proposal to give an absolute right of appeal on questions of law did not meet with the same opposition. But let him say, no person respected the authority of judges more than he did; but he would not accept that authority as conclusive in legislation. If Parliaments had been controlled by the opinion of judges, they would have had very little reform of the criminal law. When his hon. Friend (Mr. Ewart) at last succeeded in carrying his great measure for permitting prisoners full defence by counsel, just the same judicial opposition was offered to it—just the same predictions were made of the utter confusion which it would introduce into the conduct of public business. Who now would wish to see it repealed, even deprived as it had been of one half its value by striking out the clause which he (Mr. Butt) trusted would yet become law—the clause which gave in every instance the last word to the accused?

Upon principle he thought that the right of appeal against the decision of the judge ought to be absolute—that it never ought to rest on the discretion of the man against whose judgment you appealed. This was imposing upon the judge a duty which never ought to be cast upon him—that of determining when his own decision should be the subject of review. By what was he to be regulated? If he did not believe his own decision right, he would not make it. Was he then to grant an appeal or not, as he was confident, or the reverse? Men, even judges, were generally most positive when they were most wrong. The appeal was made to depend upon the temper of the judge. A strong-minded judge would refuse it whenever he was confident he was in the right; a weak-minded judge would only refuse it whenever he half suspected he was in the wrong. It was in human nature that feebleness of decision was generally atoned for by obstinacy in resolve. Why, he asked again, in civil cases should the appeal be independent of the will of the judge, and only dependent upon it when far higher consequences than those which could attend the result of any civil actions were involved?

The subject was a delicate one; but he would venture to say, that there was no Gentleman in the House in the habit of practising in criminal cases before judges, who would lay his hand on his heart and say that his experience would lead him to the conclusion that the appeal ought to depend upon the discretion of the judge. Instances might easily be multiplied: he would refer to but two. When his hon. and learned Friend (Sir Fitzroy Kelly) introduced his Bill in 1844, he stated the case of a conviction before a very eminent Judge. Sir Fitzroy Kelly was counsel for the accused. The prisoner was convicted, and sentenced to death. A point of law had arisen, which the Judge ruled against the prisoner, and which he obstinately refused to reserve. His hon. Friend was not to be baffled; he pressed the Judge until he was angrily repulsed. The man was left for execution, and on the very morning fixed for it, a reprieve was sent down. His hon. Friend had been able to engage the attention of Lord Eldon to the case. Lord Eldon had induced the Judge to reserve the case. What was the result? The fifteen Judges, including the very Judge who so pertinaciously refused the appeal, decided that the conviction was wrong, and the culprit was recommended to a free pardon.

This was the case of a man illegally convicted. What would have been his fate if his advocate had been one less determined, or even less influential than his hon. and learned Friend? He saw now below him his right hon. Friend the late Attorney General for Ireland (Mr. Napier). He regretted to know that, very contrary to his expectations, he was now to encounter the opposition of that right hon. Gentleman. But he would not the less confidently appeal to him on a matter of fact. Some years since the right hon. Gentleman had been associated with him (Mr. Butt) in the defence of a gentleman accused of embezzlement. He was tried before a Judge, justly regarded as one of the most eminent of the Irish Judges. He (Mr. Butt) submitted to the Judge that the accused party had been, on the true construction of the statute, guilty of no legal offence. His right hon. Friend most ably sustained that view. He could not forget the determined manner in which they were told that to attempt to argue that point was only wasting the time of the court. Their client was convicted. Fortunately it was a trial in the Queen's Bench. They had the right of appeal, and did not rest in the discretion of the Judge. There was a motion before the full court, and on that motion the very Judge who had said that to argue the point was a waste of time, pronounced the unanimous decision of the Queen's Bench, that no offence against the law had been committed. And this occurred in a trial before one of the ablest of the occupants of the Irish Bench, one upon whose love of justice, upon whose judicial integrity and impartiality, the shadow of a suspicion had never been, and could not be, cast.

He (Mr. Butt) did not hesitate to say

that a measure which would give an absolute right of appeal against the ruling of a judge in point of law, would effect a reform in the administration of their criminal justice, as great and as valuable as any that had ever been introduced. The question as to appeal in matters of fact, was a different one. But why was the verdict of a jury in a criminal case, held to be infallible in a civil case, liable to correction? Did juries in criminal cases never find perverse verdicts, which it might need the calm discretion of the judges to control? Was innocence never discovered after a criminal was tried, which might materially alter the entire bearing of the case? Why, he asked, were verdicts set aside in civil cases upon grounds that were not admitted to invalidate them in criminal courts? The object of all trials was the same—the ascertainment of the truth. Surely it was not possible to contend that one mode of investigation was calculated to elicit truth in one class of cases, and not equally useful to attain the same end in another.

No one, he apprehended, would deny that there were cases—cases, he feared, of not very rare occurrence—in which persons were erroneously found guilty by the verdicts of juries. In the eighth report of the Commissioners of Criminal Law, it was stated that during nine months of one shrievalty of London, that of Mr. Wilde, "no less than six persons had been capitally convicted at the Old Bailey, and left for execution, who were saved from death in consequence of investigations showing that they had been improperly convicted." In that admirable speech to which he had already referred, the speech of his hon. and learned Friend (Sir F. Kelly) in 1844, more than one instance was adduced in which verdicts in capital cases had been proved to be erroneous—one in which, after the execution of the supposed murderer, the real culprit had returned home from India, and confessed his crime. But these cases, which most clearly established the necessity of an appellate tribunal, were those in which, under the present system, verdicts of juries had been reinvestigated and proved erroneous when the fact of the reinvestigation had been obtained by the accidental interference of some one impressed with the belief that the verdict was unjust—cases like those six cases which occurred in the shrievalty of Mr. Wilde. These were the cases which, to his mind, conclusively established the necessity of an appellate tribunal—the access to which was not to depend upon the chance of any interference—where the proceedings would be judicially conducted, and of the existence of which, and his right to appeal to it, every convicted prisoner would be aware.

One such instance the House would permit him to mention, as it was deeply impressed on his memory: he had heard it many years ago from the lips of one whose name would be held in honour as long as the discoveries of science were appreciated—one of the best and the greatest men that ever shed lustre on the episcopal bench—Dr. Brinkly, the late and the last Bishop of Cloyne. Many years ago a man was tried at Monaghan, in Ireland, for murder: he was convicted and sentenced to death. In vain he most solemnly protested his innocence. The Judge who tried him entertained not the slightest doubt of his guilt; and, in reply to his appeal, he told him that so sure as the sun rose on the next Monday morning he should suffer the penalty of his supposed crime. This was at a period when, in cases of murder, but a short interval was permitted between the sentence and the execution. The trial had closed late on Friday evening. Fortunately he had lived in the parish of which Dr. Brinkly was then the rector. That day circumstances came to the knowledge of Dr. Brinkly, which induced him to believe that the verdict might possibly be wrong. He started instantly off for Dublin, travelling all night. He (Mr. Butt) believed the right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn) was then Chief Secretary for Ireland. With some difficulty, and by earnest persuasion, Dr. Brinkly obtained on the Sunday a reprieve from the Lord Lieutenant. He travelled back with it on Sunday night, and it reached the Sheriff just in time to stay the execution. The circumstances were then investigated—the innocence of the accused man was conclusively established, and he (Mr. Butt) himself knew that man afterwards following his ordinary avocations, without the slightest imputation resting on him of a participation in the crime for which he had been condemned to death.

Was it to accidents like these that they should leave the review of verdicts upon which human life was taken away? It was not in every case, or in every parish, that a Dr. Brinkly was to be found. If he had not been there, this man would have been executed for a murder of which he was innocent, and one would have never heard of it except, perhaps, as a case in which a criminal, whose guilt was clearly proved, persisted in asserting his innocence to the last. He would not pass from this subject without an allusion to a trial which had recently taken place in the city of Dublin, and which had excited public attention in no ordinary degree. In that case a gentleman had been convicted of the murder of his wife. Upon the subject of that conviction he would not say one word; but let the House observe what had occurred. If ever there was a case in which a crime ought to have been followed by the extreme penalty of the law, it was in this. The murder, if committed, was one of the blackest dye. The sentence had been commuted to transportation for life. Representations had been made to the Lord Lieutenant, which he presumed must have created some doubt of his guilt, or the capital sentence would have been carried out. Was this compromise a satisfactory mode of administering justice? Would it not have been infinitely better to have submitted all the facts which created the doubt to the ordeal of a second investigation in public, when either these facts might have resulted in an acquittal, or terminated in establishing the guilt of the accused? Had the right of applying for a new trial existed, that prisoner, instead of suffering a punishment, which, if he be innocent, is a grievous wrong to him; if he be guilty, a wrong to society; would now be either discharged from guilt, or have before this paid the penalty which, if guilty, he richly deserved.

This very case supplied a striking illustration of the anomaly of the distinctions between civil and criminal cases. The question was, whether the prisoner had murdered his wife: that question was to be ascertained on the trial of an indictment affecting his life; and, therefore, it was not possible for him to apply for a new trial. No matter how much the evidence adduced against him may have been a surprise—no matter how effectually he could meet that evidence now—no matter what grounds he might now adduce for impeaching it—no matter what new evidence he might now be able to offer—there was no power to lay these facts before a court of justice and ask for a new trial. But the very same fact might have been tried in a civil action. A paper might have libelled that man by accusing him of the murder of his wife. If he had brought an action for that libel, a plea might have been put in that the libel was true. The issue in the civil and criminal proceeding would have been precisely the same. The matter of fact to be ascertained would be identical—the rules that regulated the investigation precisely the same. But if the finding of the jury had been in a civil case—when its only effect would be to deprive him of a right to pecuniary damages—then, indeed, he might appeal against that verdict; and if he satisfied a court that there were grounds for reinvestigation, succeed in obtaining a new trial. But because the very same jury, under the same circumstances, found that verdict, when the forfeiture of his life was the consequence, then he was not permitted the opportunity of showing that it was wrong.

He felt how imperfectly he had submitted to the House the arguments upon which, with confidence, he asked the House to give this Bill a second reading. He had trespassed so long upon the attention of the House, and knowing that there was an anxiety to dispose of another question at that sitting, that he would not occupy their time by any detail of the provisions of the measure. The course which he meant to propose would perhaps make this unnecessary. If the House consented to the second reading of the Bill, he would move that it be referred to a Select Committee, where all its provisions and the whole subject would be deliberately canvassed. He believed that no one was disposed to deny that it was desirable to permit these appeals in criminal cases—if it were possible to frame a machinery by which the object could be attained without introducing into the administration of justice insuperable difficulties. It was not for him to say whether he had been able to effect this or not. He asked of the House to refer that to a Select Committee. In reading the Bill a second time, the House would only affirm that upon which he believed there was a general agreement of opinion that it was desirable to permit new trials in criminal cases if means could be devised by which they could be so grounded as not to interfere with the execution of justice. This was all that would be affirmed by the second reading of the Bill.

He ought to mention, that the Bill, as he had framed it, applied only to Ireland. He felt, however, that they must now decide on it as an Imperial question. He felt that the measure could not be passed for

Ireland alone; but he had limited the Bill as he had drawn it, solely because he did not feel himself sufficiently conversant with the state of the English courts to be confident that the machinery he proposed would be practicable in this country. He was able to say that it would be easy of application in Ireland. If, however, the House affirmed the second reading, then in Committee clauses might be prepared by those practically acquainted with the English courts, for the extension of the Bill to England, with such variations as might be necessary, if it appeared that the same provisions could be enacted for both countries: a single line could make it a general measure. He would only say, as to the details of the Bill, that in framing it, he had endeavoured to adhere to two leading principles. He had followed the principle of the law which gave the Court of Queen's Bench the control over all criminal judicatures. In the next place, he proposed that in no case should the mere fact of an appeal prevent the carrying out the sentence. The sentence of every court was to be treated as in full force, unless and until it was reversed. In cases where the punishment was imprisonment, this, no doubt, still left the person convicted to suffer a portion of his sentence before he had the opportunity of appealing; but he believed, upon the whole, that greater inconvenience would attend the effort to remedy this. In capital cases, he provided that, if necessary, a special tribunal should immediately hear the appeal. He had endeavoured to frame these provisions so as to prevent the possibility of appeals being prosecuted for the purpose of delaying the punishment, whatever it might be. He was confident he would best consult the feelings of the House by not going more at large into the details of the measure he proposed; and with these observations, and with the intention of referring it to a Select Committee, he now begged leave to move the second reading of the Bill.

MR. EWART said, he seconded the Motion, because he approved the principles of the Bill. He also approved its being referred to a Select Committee, and would suggest that the Committee should be instructed to hear evidence on the application of the powers of the Bill to England. The whole subject was full of difficulty; but it was of the utmost importance that the principle of the measure should be recognised by that House.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. J. PHILLIMORE said, he thought that the adoption of this Bill would render the administration of criminal justice a matter of impossibility, because in every case of felony, where a convicted criminal had the power, an appeal would be sure to be lodged, and the time of the public would be wasted in trying over and over again cases about which no rational doubt existed, and the greatest encouragement would be given to the lowest class of practitioners. If we once appointed persons to the high and awful situation of criminal Judges, we must be content to rely upon it that they would not be disposed to treat lightly the grave responsibility which weighed upon them. The hon. and learned Gentleman (Mr. Butt) said that they allowed an appeal in civil cases with regard to property of a trifling amount, and asked why then they should refuse an appeal in cases where a man's life or his honour was at stake? Now, that was very much of an *ad captandum* argument, because it was well known that many nice and delicate questions of law often arose upon matters of property, which were entirely absent from criminal trials. He thought the law as it stood was sufficient for these cases, because under it the Judge, whenever he was dissatisfied with the evidence, always explained his doubts to the jury, and almost invariably the jury were guided by his recommendations. It would, therefore, in his opinion, be inexpedient to adopt the plan of the hon. and learned Gentleman the Member for Youghal (Mr. Butt). To say that juries sometimes might make a mistake, was only saying that they were human beings; and so long as the feeling of the country was in favour of the maintenance of capital punishments, he hoped the Legislature would adhere to the present system of criminal administration, under which substantial justice was secured. The proposition of the hon. and learned Gentleman would go far also to diminish the responsibility of Judges and juries, by accustoming them to think that their decisions would not be final, and would thereby relieve them from that anxious attention which disposed them to take every circumstance of the case into full consideration. For these reasons he could not concur in the Motion.

VISCOUNT PALMERSTON: Sir, if I felt that the principle of the Bill which the hon. and learned Gentleman proposes was one deserving of the consent of Parliament, and that the only question that could arise touched the details of the measure, I should willingly consent to the arrangement he proposes, namely, that this Bill should be read a second time, and referred to a Select Committee. But as the objection which I feel to his measure applies to its very principle and foundation, it is not in my power to assent to the second reading. Sir, my objections to the Bill are many. In the first place, even supposing that the measure was in principle right, I say that it ought certainly to apply to the whole of the United Kingdom. I object entirely to this piecemeal legislation, applying one law to England and another to Ireland, and one law to Ireland and another to England. In matter of such grave and universal application as this, it is a proof that the hon. and learned Member is doubtful as to the soundness of his own principle, that he should have proposed to make this experiment in Ireland, instead of applying it broadly to the whole United Kingdom. However, I have a strong objection to the principle he wishes to establish. Sir, punishments are not intended as a vengeance inflicted upon persons who have committed crimes, but for the protection of society, as a means of deterring others from the commission of acts which have unfortunately rendered particular individuals amenable to the law; and there can be no greater advantage in the administration of the criminal law than that it should be as certain and as rapid in its operation as is consistent with the aims of justice. Lingering prosecutions may be harmless upon questions of property and civil rights; but in criminal cases they are detrimental to the interests of society. The hon. and learned Gentleman, it appears to me, has founded his proposal mainly upon the ground of the insufficiency of the present state of things for procuring just decisions; and he instances cases in which the verdicts of juries and the sentences of Judges have ultimately been found not to be consistent with right. But if he had been able to show that there had been cases in which condemnation had been followed by the infliction of the penalty, and the discovery had been made too late to save an innocent man from the punishment he did not deserve, then I think the instances he adduced would have had more bearing in support of his proposal than those which he has cited to the House. Because the only instances which I happened to hear him state as examples in favour of his proposition were cases in which the existing arrangements had been found sufficient to rescue innocent men from punishment—

MR. I. BUTT: I did state one instance that was mentioned to me by the hon. and learned Member for East Suffolk (Sir F. Kelly), where an actual execution took place, and the real murderer afterwards returned from India.

VISCOUNT PALMERSTON: The hon. and learned Gentleman adduces an instance which is one of no unfrequent occurrence, namely, that of a man who was a soldier in India, and who, being tired of the climate, and home-sick, and desiring to get out of the service, probably accused himself of a crime which he had never committed, in order to be sent home from a distant and foreign station. The hon. and learned Gentleman may not be conversant with matters of military detail; but if he will appeal to his friends in the Army, he will find that it is by no means an uncommon thing for a soldier to accuse himself of a crime of which he was never guilty, for the purpose of being removed from the station where he happened to be. My opinion is that the present state of the law does afford to an innocent man every possible security which human institutions can afford for freedom from unjust punishment. In the first place, the error may arise as to the facts of the case, or as to the law. If it arises as to the law of the case, the Judge, if he has any doubt on the subject, has it in his power to reserve the point of law for the decision of the Judges at large. Therefore, as regards the law of the case, there exists already that very power of appeal which this Bill proposes to give. Then, as to the facts of the case, it is the greatest mistake to suppose that when persons have been convicted of criminal offences there is not ample opportunity for them to resort to that quarter with which pardon or commutation by the constitution of the country, rests, namely, the Crown, through its constitutional advisers. Anybody who fills the office which I have the honour to hold, very well knows that there is no case in which there is—I do not say any probable ground for supposing the verdict or sentence to be erroneous, but no case in which there is the slightest pretence for so representing it, in which application is not made for a revision or commutation of the sentence. In the case of such an application, what then is the course pursued? The Secretary of State consults the Judge who presided at the trial—he examines with great deliberation all statements made in favour of the offender—he is assisted and guided by the opinion of the Judge, and he then exercises his own discretion in the matter. And, looking back at the course of official experience, I must say that the cases are more frequent in which punishment has been remitted where the strong probability was that it would have been well deserved, than the cases in which the sentence has been maintained where there has been any possible ground to suppose that the sentence was not deserved. I think that the point which was placed before us by the hon. and learned Gentleman who spoke last, is one of very great importance. Judges and jurymen now feel in criminal cases that a very grave responsibility is imposed upon them. They give the utmost and most conscientious attention to the case; they weigh everything, and they feel that upon the conclusion at which they arrive depends the life or the liberty of the person who stands before them. But if the Judge and the jury knew that their verdict was only a preliminary ceremony, and that whether they were right or wrong their sentence would be subjected to a subsequent examination, why, it would make, if not the Judge, at least the jury far more indifferent than they at present are to the case before them, and would lead to great laxity of practice in the administration in the first instance of criminal justice in this country; and I think it would be a very great evil if any change of the law were to bring that about. But, in the next place, only just see how the thing would work out. When cases arise with regard to right or to property, men have a great scruple of conscience as to making any deposition or statement not consistent with truth; and yet, even in these cases, we frequently see evidence brought before a Court which is found not to be based upon fact. But in matters which concern life or liberty, I am sorry to say that benevolent persons have very little conscience indeed; and I have seen in the ordinary routine of my office, too many examples of the truth of what I now state, because I have received applications, signed by a great number of respectable individuals, in favour of criminals with regard to whose guilt there could be no possible doubt, and who had committed the most atrocious crimes. That is a matter of every-day occurrence; and not long ago a member of a most respectable community—the Society of Friends—actually endeavoured to induce a witness to absent himself from a trial in order to screen a man from punishment who had committed a serious crime, and whose guilt no human being could doubt. And I say that if you were to allow these second trials, you would have these "pious frauds" multiplied to an extent little contemplated by the advocates of this measure. Only suppose the case of a man who has been sentenced to capital punishment or transportation; he immediately appeals, his friends set to work, and go round the country asking people to sign papers, for the truth of which they declare they will be answerable, and then they send up to the Home Office representations totally unfounded in fact. Well, but if second trials were permitted, I venture to say that you would have perjury much beyond what the supporters of the Bill can possibly conceive. And what would be the position of the person condemned? Delay in the execution of a serious punishment is a great cruelty—delay beyond what is absolutely necessary for the ends of truth and justice is, in fact, a barbarity to the unfortunate prisoner. But you would keep the man waiting the result of a second trial, and he might have to be executed after all, and he would be kept in all the agony of such suspense for a very long period of time. Then I say that the law provides in truth and in practice that very appeal which the hon. and learned Gentleman would wish to establish—it provides it free from the objections to which the measure he proposes would be liable. But, further, I beg to ask if this House would agree to one-sided legislation on this subject? Why, what are criminal cases? The hon. and learned Gentleman spoke of them as if they were simply cases where the Crown prosecutes a criminal for murder, or some offence against the State. But criminal cases, I apprehend, will embrace cases of offences against individuals, such as assaults, or maiming, or wounding, or other cases in which injury is done to individuals as well as to society. Would the hon. and learned Gentleman, then, preclude the prosecutor from having a new trial as well as the defendant? Would that be just? A man was grievously wounded by an assailant, and almost killed by a bloody attack; the assailant was prosecuted, and convicted, and the hon. and learned Gentleman would give him a new trial. But suppose he was acquitted, why should not the prosecutor have a right to a new trial? Why, if you come to a question between man and man, what would be the justice of denying to a prosecutor the redress which he thinks, by a new trial, he would obtain? But would not this lead to inextricable confusion and endless delay? I object, therefore, to this proceeding altogether. I humbly submit to the House that the principle of the hon. and learned Gentleman's Bill is one that is objectionable in itself; that the present law provides a security where the Judge entertains doubts as to the law of the case; that the practice by which the prerogative of the Crown is administered provides a security where any doubt arises as to the facts of the case; that the examples which have been quoted are examples to show that the present system does protect accused persons from the unjust infliction of a sentence, because most of the cases so quoted were instances in which the sentences have been remitted: therefore I think that, while on the one hand the proposal is objectionable in principle; on the other hand, the hon. and learned Gentleman has failed to show that any injustice has been committed under the present state of the law, that calls for the alteration which he recommends. But, more than that, if these objections did not apply, the hon. and learned Gentleman is aware that there is a Commission now employed in revising the whole of our criminal code; and of course if this matter appears to them in the same light as it does to the hon. and learned Gentleman, this point is not likely to escape the researches or the consideration of that Commission. For all these reasons, therefore, I propose that this Bill be read a second time this day six months.

Amendment proposed, "To leave out the word 'now,' and at the end of the Question to add the words 'upon this day six months.'"

The Question having been put,

MR. PHINN said, that after listening to what had fallen from the noble Lord, one would suppose that the public were entirely satisfied with the administration of the criminal law as it at present existed, and that an appeal to the Home Office was sufficient for all purposes. But there were men in high judicial office who took a very different view of the subject. Chief Baron Pollock, in his evidence before the Commission, referred to the fact that in 1827, in the course of five months, no less than seven cases of improper convictions were discovered by the father and brother of the present Lord Truro, and were, by their exertions, saved from the penalties of the law. It would be more satisfactory to individuals in a case of life and death to have the power of appeal, than to depend on a reference to the Home Department. As to the argument that the prosecutor ought to have a power of appeal in the case of what he might consider an unjust acquittal, that was quite a new view of the case. The prosecutor was no more than a witness; he was incidentally the person who brought the case before the Court, but he had no more interest in the prosecution than any other person in the country. All that was proposed by this Bill was to give the same remedy to the poor as was now enjoyed by the rich in cases of misdemeanour. Such a measure was absolutely necessary when they considered what manner of men constituted the common juries on the circuits. They were chiefly farmers and men of a class wholly unaccustomed to balance evidence; and yet these men were often called upon to decide on the most difficult questions, involving matters of the highest consideration to the parties concerned. This would not be the case if the law were fairly enforced, and if the country gentlemen and men of rank were made to take their place on the common juries of this country, as they ought to do. If the noble Lord would bring about that reform, the difficulty which this Bill was intended to meet, would be very much obviated. As the matter now stood, the verdict, in nine cases out of ten, was that of the Judge, and not of the jury. With regard to appeals on questions of law, the noble Lord appeared satisfied with the power now reserved to the Judges upon that point; but he (Mr. Phinn) differed from the noble Lord in that respect. A case occurred at Exeter where eight or nine men were tried for piracy. The general opinion of the bar was, that the Court had not jurisdiction to try them. The men were convicted; the Judge refused to reserve the question for the consideration of the superior tribunal; and if it had not been for the hon. and learned Member, who defended the prisoners, they might have been all executed without the slightest power of appeal. The case, however, was argued before the Judges, and thirteen out of the fifteen held that the Judge who presided at the trial was wrong, and that the objection to the jurisdiction made by counsel was right. Persons were constantly convicted for committing rapes, and, when the cases were afterwards inquired into, the whole stories were discovered to be so many fabrications. It was true, after months of imprisonment, the Home Office pardoned the parties; but, instead of returning to their homes liberated as an act of justice done them by the law of the country, they received their liberation as an act of clemency, and had that as a favour which they ought to have had as a right. He would remind the noble Lord of the trial and conviction, some time ago, of an attorney named Barber, for forgery. It was the conviction of many who heard the trial that he was innocent; but he was transported, and subjected to the most degrading labour and restraint for years. His friends appealed to the Home Office without effect, until at last the noble Lord's predecessor in that office (Mr. Walpole) went carefully through the whole details of the transaction, and granted Mr. Barber a pardon, first upon condition that he would not return to this country, and afterwards extended it to a free and unconditional pardon. If Mr. Barber could have appealed to a Judge, he would have been acquitted as a matter of right; his character would have been retrieved, and he would have been restored to the exercise of his profession. But what had been the consequence? Mr. Barber had been thrown out of his business as an attorney; he appealed to the Court of Queen's Bench; that Court differed from the Secretary of State, and thought the facts were inconsistent with the man's innocence; and thus they had the anomaly of a man enjoying the Queen's free pardon, as though he were innocent, and yet labouring under all the civil disadvantages of a man who was guilty. Such a state of things surely called for a remedy. This Bill would furnish such a remedy, and would relieve the Home Secretary from the numerous applications that were now made to him, because his answer to the parties would then be, "Apply to the Court of Appeal." He (Mr. Phinn) regretted that the Bill was not general in its application; but some of its provisions could be revised. It was, therefore, desirable that it should be sent before a Select Committee, which should be directed to examine into the whole subject, especially as the Report of the Commissioners on the Criminal Law was favourable to the proposal. At present every other nation of Europe, as well as the United States, had adopted an analogous measure to this; and he did feel that, until some such mode of affording redress to injured and innocent persons was provided, the administration of our system of criminal justice could never be satisfactory.

MR. NAPIER said, that after the most careful consideration he was perfectly convinced that it would be prejudicial to give an appeal for a second trial in criminal cases. The question turned upon the balance of convenience and inconvenience. Of course the whole proceedings, one way or the other, must be attended with some imperfections and some disadvantages. It was, therefore, not enough to show that certain advantages might follow any particular alteration of the law; but it must appear on which side the balance of justice and convenience preponderated. The power on the part of the Judge to reserve points of law for the consideration of the Superior Courts was to be retained by this Bill; and the question was, whether it should not be obligatory on the Judge to reserve whatever points were insisted upon by the counsel of the prisoner. He had for a great many years had a considerable practical acquaintance with the administration of criminal justice, and he never knew an instance in which, ultimately, any point that counsel thought to be favourable to his client was not reserved by the Judge. It had always been considered that a second trial would be attended with many circumstances unfavourable to the prisoner, owing to the chances there would be of a defectiveness of evidence, and also owing to the prejudice likely to arise from the certificate that was to be given by the Judge who had presided at the former trial as to his being satisfied or not with the evidence adduced on that trial. The admission of written testimony in case of a second trial would be a most dangerous innovation, as the value of evidence depended, in a great measure, on cross-examination, for which there would be no opportunity. But then it was suggested that a second trial might follow an acquittal; but his humble opinion was, that, when the public prosecutor had once brought a man to trial, and there was any miscarriage in the criminal proceedings, that man should never be put upon his trial again. Mansfield, Hale, Denman, the present Lord Chief Justice of England, the Chief Baron of the Exchequer, the late Lord Chancellor of Ireland, and all the Judges in Ireland to whom he had spoken on the subject, were unfavourable to a second trial in criminal cases; and both in and out of the House judicial opinions were always entitled to the greatest weight from the character of mind of those eminent persons. Finality was the great element of the petty jury, and for the purpose of obtaining it the procedure in criminal cases was surrounded with the greatest formalities before trial. There were the sworn information, the proceedings before the magistrates, the investigations before the grand jury, and all the other incidents of a criminal prosecution, in order to give every opportunity to the accused to know the evidence against him, and then to refer the question of his guilt finally to the petty jury. None of these proceedings took place in a civil suit, because they were not necessary. The Bill of the hon. and learned Member, if objectionable in England, would be singularly inapplicable to Ireland, because there the Attorney General acted as public prosecutor, and sifted the evidence in every criminal case, and the only object he had was to obtain truth and justice, and not make the Crown, as it were, a litigant party acting against the accused. Where the Judge felt that the verdict was—if there had been a conviction—wrong, he would feel bound to notify this to the Secretary of State, who would, of course, issue a free pardon; whereas the proposal in this measure was, that in such cases the prisoner should be put to the peril of a second trial. Instances might be found in olden times illustrating the danger of such a measure. In the reign of Elizabeth a man was tried for murder, and the foreman delivered a verdict of manslaughter, which the rest of the jury disclaimed. The Court asked the prisoner if he would elect to discharge the jury from giving a verdict on that trial, which he agreed to do; no verdict but a unanimous one being a verdict according to the English law, and a trial not being completed until the verdict, the prisoner was accordingly arraigned again and convicted of murder and executed. The jury were thus constituted judges of questions of fact, and it would be most injurious to encourage the Judge to set up his opinion against them. He (Mr. Napier) had, in all his experience, never heard of more than one verdict which he believed wrong, and that was on the question of identity—a case in which the jury made a mistake, and it was remedied the very next day. Those clauses of the Bill which related to the Court of Queen's Bench conferred no powers not already in existence; and it would be most inconvenient to give to the Lord Chancellor a discretionary power, in cases of life and death, to issue Commissions of review—

Mr. I. BUTT said, he must explain that the provision referred to only regulated the form of procedure by which a Commission would issue under the Great Seal.

Mr. NAPIER said, the Bill certainly gave the Lord Chancellor power to issue Commissions of review in criminal cases; Commissions which might, perhaps, be directed to young and inexperienced barristers, who might order an acquittal to be entered on the record without any verdict at all. They were to have five gentlemen nominated as Commissioners, and three of these could set aside the finding of twelve men on their oaths, without knowing the facts and the evidence of the case. He never would consent to such a step, which would, in fact, revolutionise the law. The hon. and learned Member had referred to the case of Kirwan, which was certainly a very remarkable one, and he had adverted to the change in the sentence, and to certain new evidence after trial which could not be made available. He might be permitted to say he never could forget the anxiety in which he passed day after day while that case was pending. If this Bill had been law, he admitted he might have been saved much of it—Kirwan might have had another trial, and what the result of it might have been he would not pretend to say; but this he would say, that every care had been taken in examining the evidence, and the utmost vigilance exercised by those who were intrusted with it. He had been very sorry to see the reports in the public press here, which were very inaccurate, and he could assure the House that the greatest care was taken in examining the evidence of every witness. With respect to the new evidence which had been referred too, that too had been examined with the greatest particularity. Why were not those persons sent before the grand jury? Because when they appeared before the Crown solicitors, and were examined in the office, they had no evidence to offer. After the trial these persons said they had evidence to offer; but, if so, why had it not been given at first? When sentence had been passed, and doubts were suggested as to the evidence by which the prisoner was found guilty, the Judges communicated with the Lord Lieutenant, and, on their recommendation, Kirwan was sentenced to transportation for life. That charge was open to a good deal of comment; but he knew that one of the English Judges, after having examined the whole case, agreed in the propriety of the recommendation. To show the care which had been taken with the evidence, he might mention that he had obtained tables of the tide from some of the fellows of Trinity College, and that the height of the tide at the time could have been ascertained to one half of an inch. So anxious had he felt on the question of Kirwan's sentence that he kept away, having his doubts of the propriety of the recommendation, lest the Government should ask his opinion respecting it. He did not interfere, however, and if a mistake was made it was on the side of mercy. He considered there was no case for the Bill, though he admitted he should like to see amendments in the preliminary procedure, and that the jury system was capable of great amendment. He hoped he should live to see the appointment of a Minister of Justice; but he trusted he should never see a change in the criminal law of this country by which the verdict of a jury could be set aside by men who had never heard the evidence, and he would exercise every privilege and every opportunity which he possessed to resist it.

MR. M'MAHON said, he had not yet heard a single argument against the principle of the Bill. Judges, like all other men, were fond of irresponsible authority, and if their authority had been always regarded as decisive, men could now be hanged for stealing to the value of 13*d.*, pleadings would still be in Latin, and not one of the great reforms in the law would ever have taken place. Lord Denman had well declared that it was against all principle to leave it in the breast of the Judge who had committed a mistake, to say whether it should be revised or not. In the case of the pirates tried at Exeter, twelve of the thirteen Judges, who heard the case argued in the Exchequer Chamber, were against the Judge who tried the men at the assizes. He thought the man who was accused of a capital crime or a felony, should have the same rights and privileges as the man who was sued for the worth of 6*d.* The noble Lord (Viscount Palmerston) said, that punishments ought to be certain and immediate. For this latter object we had been, in modern times, in the habit of hanging men forty-eight hours after sentence; and Lord Coke had observed, that this haste was contrary to the principles and practice of antiquity, whose maxim was, *De morte hominis nulla cunctatio longa est.* In the olden times the law was more humane. Between arrest and trial the prisoner had fifteen days; and after conviction he had thirty or forty days to arrest judgment; but now a man might be arrested, bills might be sent up to the grand jury, and trial and sentence take place in five or six hours, without any delay or remedy whatever. He objected to the mode of discharging prisoners after sentence by statements laid before the Secretary of State, who could not examine a witness on oath, who held his inquiry *ex parte* in secret, and who frequently ordered the release of the convict before the prosecutor knew even of the inquiry. Why should the Secretary of State be substituted for a jury? What did he know of the facts adduced before the jury? Let the noble Lord consider there were two parties in all these cases. In cases of rape, for instance, a young woman might suffer the greatest possible injustice by the interference of a Secretary of State, if, when she went back to her native place, the man who had wronged her was set free, for it would be at once said, that, though a jury had believed her story, the Secretary of State was satisfied there was no ground for the charge she had made, and that she was, in fact, both unchaste and perjured. The noble Lord had referred to a case of endeavouring to induce a witness to absent himself, for the purpose of frustrating justice by withholding evidence. Why had he failed in his duty, and not directed the person who attempted this to be prosecuted? Not having heard a single valid argument urged against the principle of this Bill, and believing that a man, when tried for his life, ought to have the same protection as when sued for money, he should give his decided support to this measure.

SIR GEORGE GREY said, that after the strong and conclusive arguments which had been urged against the principle of the Bill, he should not have thought it necessary to occupy the time of the House with any further observations with respect to it, had not reference been made to two cases which occurred when he was Secretary of State for the Home Department. He believed that this Bill would lead to delays in the administration of criminal justice, tending to impair its efficiency; while at the same time it would not provide a remedy in such cases as had been adduced as a ground for its proposition. And so far from tending to facilitate the acquittal of accused persons, its tendency would, he thought, be to increase convictions. The hon. and learned Gentleman (Mr. Butt) proposed to give the prisoner an absolute right of appeal on points of law, to be followed by a new trial if the decision of the Judges was in his favour. Now he (Sir G. Grey) could not see why there should be a new trial when the only doubt with respect to the validity of the conviction arose on a point of law. But the hon. and learned Gentleman also proposed to give the prisoner a right to go to the Superior Courts and ask for a new trial, in case the Judge who tried the case should certify that the conviction was based on defective evidence. On this point he referred to the case in which a prisoner, having been capitally convicted, to the satisfaction of the Judge, and left for execution, the exercise of the Royal prerogative was interposed in consequence of the exertions of some persons who had brought facts together tending to shake the verdict. But how would that case be provided for by the Bill before the House, since the Judge would not have certified for a new trial? Precisely the same might be said with respect to the instance which had been adduced of certain prisoners who were undergoing sentence of transportation; when, several years after their conviction, facts were discovered which so satisfied the Secretary of State of their innocence that he advised the grant of a free pardon. It was quite clear that this case would not have been met by this Bill, because the Judge would not have granted a certificate here; and while the right to apply for a new trial must necessarily be limited to a few days after the beginning of the next term after the trial, the new circumstances which induced the Secretary of State to grant a pardon were not discovered until some years afterwards. In like manner, in the case of Barber the attorney, the facts which ultimately induced the Secretary of State to grant a pardon did not come to light until some years after his conviction, which commanded the entire assent of the presiding Judge. It was said, indeed, that the Home Office was a secret tribunal, and was a most unsatisfactory medium for the administration of the criminal law. It was, however, clearly impossible that it could be relieved from the responsibility which at present attached to it on this head, in cases where new circumstances came to light after the expiration of the time for applications for a new trial. He believed that with the legal advice which the Secretary of State had at his command, the present system answered the ends of justice, and that when any reasonable doubt existed as to the propriety of a verdict of conviction, the prisoner obtained the benefit of that doubt. As Secretary of State for the Home Department, he should frequently have been glad to be relieved from the responsibility which attached to the exercise of this power. He believed—without speaking particularly of the cases in which he had been personally interested—that the present system did answer the ends of justice, and secure a favourable administration of the law as respected prisoners. He did not think this Bill would favour the acquittal of innocent persons, because juries would, if it were passed, be much less likely than they were at present to give a prisoner the benefit of any doubt. The hon. and learned Member for Bath (Mr. Phinn) supported the Bill because he said that the verdicts of juries were generally wrong. But if that were so, what remedy would be given by the present Bill, which proposed to give an appeal from the verdict of one jury merely to that of another? There was, he thought, a clear distinction between civil and criminal cases, because in the former case the verdict of a jury vested property in one of two parties, who could not be divested of it by any exercise of the Royal prerogative, and therefore here a new trial was absolutely necessary, unless injustice was to be perpetuated. On these grounds he must most decidedly oppose the second reading of the Bill.

MR. GEORGE said, he opposed the Bill on the ground that it would put every party concerned in a criminal trial in a false position, and must inevitably lead to an accumulation of false testimony. The law had now made twelve men on their oaths the arbiters of the life or death of a prisoner. Now could it be supposed that if this Bill passed, any Judge to whom an appeal was made on the part of a prisoner to interpose between him and the final sentence of the law, would take upon himself the responsibility of refusing to do so? A new trial would, therefore, be granted in every case where it was asked for, and a door would thus be opened to the greatest possible evil—that of subsequently making good testimony which had been defective on the first trial.

MR. I. BUTT, in reply, said, that after

what had fallen from the right hon. Baronet (Sir G. Grey), he thought he should best consult the object he had in view by not pressing the second reading to a division. He would reserve to himself, however, the right of moving for such an inquiry as had been hinted at by the hon. Baronet. There was one point on which he desired to correct the right hon. and learned Member for the University of Dublin (Mr. Napier). By his Bill he had had no intention to give a discretion to the Lord Chancellor in the way supposed by the right hon. and learned Gentleman. He regarded the admission as to the right of appeal in a prisoner in case of difference as to law an important one, and one, which if carried out, would create a great improvement in the present code.

Question, "That the word 'now' stand part of the Question," put, and *negatived.*

Words *added;* Main Question, as amended, put, and *agreed to.*

Second Reading *put off* for six months.

JUDGES EXCLUSION BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the Third Time."

Mr. DRUMMOND said, he begged to move that the Bill be read a third time this day six months. This Bill was a Reform Bill, and a Reform Bill brought forward from the Opposition side of the House, with every evil that every Reform Bill had hitherto had in it. Framed upon narrow exceptions, and from ephemeral purposes, without taking any grasp of the past in order to become a guide for the future—he would not say brought in with any personal interest or with a personal application, for he was desirous of placing the matter upon a foundation which should effectually exclude from consideration all its personal effects—it did not look to history as a guide for the future—it did not consider that the things which had occurred in any past times might, and assuredly would, occur in future times—and it wanted to deprive this House of many of those advantages which it had had in past times, upon a speculation of what might occur in the future. It was as true in politics as it was in grammar, that—

> "Multa renascentur quæ nunc cecidere, cadentque
> Quæ jam sunt in honore."

There was nothing which had occurred in former times which they might not see again. He would not refer to historical antiquity to prove the importance which that House had ever entertained of the advantage of having men of great judicial capacity sitting amongst them. He might refer to the time when that House considered the presence of Serjeant Maynard so important to its discussions that one of Mr. Speaker's predecessors was requested to send his warrant to command his attendance during the discussions in that House. He would, however, allude no further back than to things which had occurred within his own memory, to most of which he was himself a witness, and of which he might say, *Quorum pars parva fui.* He would not refer to the period when Sir William Grant, Sir William Scott, and various others of minor note were sitting in that House; he would allude only to those few instances in which he thought no one would dispute that the presence of such men was highly desirable. The first instance to which he would refer, and which he very well remembered, was that of the seizure of the Danish fleet in consequence of an alleged secret treaty of which the Government was in possession, but of which they could not bring forward positive proof. He remembered the debates upon that subject perfectly well. The Opposition, very naturally and very properly, joined issue upon two grounds: first, as to the fact whether this treaty was in existence; and, secondly, whether, supposing they had possession of that treaty, they were justified in the seizure. There could be no doubt it was a question of immense importance, and the presence of those men to whom he had alluded in that House, added greatly to the weight of its decision. The next case was that of the King's illness, at the time when Pitt and Fox were at the head of parties. He remembered very well being of opinion, although, he believed, he voted on the other side, that the arguments of Mr. Fox were the weightier on that subject. At all events, it must be admitted, that questions of disputable succession to the Crown were those which, of all questions, required the most calm and deliberate consideration by men competent to entertain and decide upon them. The next case he remembered was that respecting the Orders in Council. Then there was the case, a most important one, regarding the rights of neutrals, which were almost established during the last war by the decision of Sir William Scott; and those decisions were continually brought before that House and made the subject of debate there. It would be said that these things were not likely to occur again; but he differed from those who thought so. Did they not see anything in the new claims which the Americans were putting forward to make it very probable that the next war would involve cases far more complicated and difficult to deal with than those he had alluded to? The Americans said they had a right to expel from their continent every European nation. Was it nothing, too, for them to say that they would nurture buccaniers in their ports, and to declare that they had no power to prevent men from going forth upon whatever predatory excursions they pleased? Then came the right of search, a very delicate question, admirably managed by the Earl of Aberdeen when he was at the Foreign Office. Did not the House think the question of the right of search would become more complicated in the next war than it was now? For all these questions, and many more that might be enumerated, it was of great importance to have men of eminent ability in that House. But he was told, in answer to this, that it was not seemly for grave Judges to be canvassing such people as *5l.* voters. Well, this might be a very good reason for disfranchising *5l.* householders, but it was no reason whatever why learned and fit men should not canvass them. He could not understand how it was derogatory to the dignity of any man whatever to do so, nor would he believe that any Gentleman was degraded by this canvass, or that it was not possible to canvass men, let their difference of station be what it might, without losing their personal respect. He (Mr. Drummond) differed so entirely from the noble Lord's measure, that no Reform Bill for the future should receive his assent which did not provide for increasing the number of men of ability in that House. He earnestly wished to see the old principle which gave Members to the English Universities carried out to a much greater degree; and, as the number of Universities had been extended, the number of University representatives should be extended also; and Members should be given, not only to the Scotch and Irish Universities, but also to the inns of court and other learned bodies. In the operations on both sides of the House, hon. Members appeared to have combined to exclude men of ability. On the Ministerial side they brought in a Bill to exclude all property, and on the Opposition side to exclude all brains; and so their notion of forming that House was to make it a mass of pauperism and ignorance. That was Socialism; and whenever they had made that House a place for persons without property and without intelligence, the sooner they fell into the hands of a military despot the better.

Sir ROBERT H. INGLIS seconded the Amendment.

Amendment proposed, "To leave out the word 'now,' and at the end of the Question to add the words 'upon this day six months.'"

Question proposed, "That the word 'now' stand part of the Question."

Mr. MACAULAY: Sir, I cannot suffer the House to proceed to a division on this question without expressing the very strong feeling which I entertain upon the subject. I shall vote with all my heart and soul for the Amendment moved by my hon. Friend the Member for East Surrey. I never gave a vote in my life with a more entire confidence that I was right; and I must say that I think it hardly creditable to the House that a Bill against which so much can be said, and for which there is so little to be said, should have come to this stage without a division. On what ground is this Bill brought in? Is it brought forward on the ground, which is the only one on which, as I should conceive, a great statesman—a Conservative statesman—could ever propose any important reform—is it brought forward on the ground that the present state of the law has produced any practical evil whatever? That ground is utterly disclaimed by all those who support the Bill. No one of them has asserted that in any single case any inconvenience, during the experience of ages, has arisen from our permitting the Master of the Rolls to have a seat in this House. The office of the Master of the Rolls and the House of Commons commenced their existence, I think, in the same generation—certainly in the same century. During 600 years the Master of the Rolls has been eligible to a seat in this House. To go back no further than the time of the Hanoverian succession, we have had amongst the most distinguished Members of this House a succession of Masters of the Rolls—Sir Joseph Jekyll, Strange, Kenyon, Pepper Arden, Sir William Grant, Sir John Leach, Sir John Copley, Sir Charles Pepys, and Sir John Romilly. Is it pretended that in any one case any one of these eminent Judges ever, in any respect, discharged his judicial duties less efficiently because he was admitted to a seat in this

House? And if not, I ask if it is the part of a wise man—if it is, above all, the part of a Conservative politician, to propose to alter a system which has existed for six centuries, and against which it is not alleged that it has ever, in any single case, produced any single inconvenience, solely because it does not appear to the House to square with an abstract principle? Well, and what is this abstract principle? It is that it is desirable to separate politics from judicial functions. "Nothing is so hateful"—I think these were the words of the noble Lord who brought in this Bill—"nothing is so hateful as a political Judge. The union of the political and judicial character is contrary to a principle so sacred, that even when we cannot find that the union has produced any pernicious effect in the experience of centuries, yet, in order to be true to a general theory, we ought to provide against the possibility of its occurrence." Well now, I say that if I adopt the noble Lord's principle, I must pronounce this Bill the most wretched and pitiable reform that was ever proposed—the most homœopathic dose that ever quack proposed for the widest spread malady. For if the noble Lord considers the nature of the political and judicial institutions of this country, he will find the political and judicial character so combined, so interwoven from the top to the bottom of our system, that the reform he proposes to make will be a mere infinitesimal change when compared with the system he proposes to amend. It has been asked, with great justice, if the Master of the Rolls is to be excluded, why not the Recorder of London also? I should be extremely sorry to see the Recorder of London excluded from this House; but I must say that the reasons for excluding him are ten times as strong as those for excluding the Master of the Rolls. But, to go still further—why exclude the Recorder of London alone?—why not all Recorders, and all Chairmen of Quarter Sessions? I will venture to say that there are much stronger reasons for excluding Chairmen of Quarter Sessions than for excluding the Master of the Rolls. I have attended Quarter Sessions formerly. I have seen presiding over the Quarter Sessions of a great county a man of the most eminent abilities—one of the most able and expeditious Judges I ever saw—but a Member of Parliament, a very keen politician, a very decided party man. He was a man who had made a Motion that had upset a Ministry—he was a man who before the end of his life occupied a seat in the Cabinet; and this distinguished Member of Parliament, himself the head of the Blue interest, as it was called in the county, would have had to try for an election riot any Orange rioters. He took a very conspicuous part in the case of the Queen—so much so indeed that he was hooted by the mob of London—nay, I am not sure that he was not pelted. He then went home to his county, there to try people for breaking the windows of those who would not light up in honour of the Queen's acquittal. You leave persons of this kind to be Members of this House, and you exclude the Master of the Rolls; although nothing can be more notorious than this, that whenever the nation has been in a discontented state, whenever there has been any disposition to outrage and turbulence, you have had universally the whole democratic press crying out that the Chairmen of Quarter Sessions, the unpaid magistracy, were not to be trusted in the administration of justice with regard to the friends of liberty. So loud were these cries at one time, that I remember Mr. Canning, in one of his most eloquent speeches, saying that one of the worst signs of the times was, that here, in this House, there was a growing distrust of the conduct of gentlemen of this kind in political cases. Yet you allow forty or fifty of these judges to be Members of this political assembly, and to exercise political and judicial functions, but would exclude a Judge whose functions are such, that since the time of Edward I., neither he nor any of his predecessors have been accused even by calumny, or have ever been suspected, of using their judicial power for political ends. You turn him out, because, forsooth, you say you hate political Judges. Well, but even if I were to admit there is something in the functions of the Master of the Rolls which makes it peculiarly important that he should take no part in politics, I should still vote against the Bill before the House as being utterly inconsistent and inefficient. Because, as you say, it is unfit that he should sit in a political assembly, you shut him out from the House of Commons. If it be unfit that the Master of the Rolls should be a member of political assemblies, why not exclude him from all political assemblies? But you do no such thing. You shut him out of this House, but leave the House of Lords still open to him. Is that not a political assembly? And is it not notoriously the fact that for several centuries Judges have always had considerable sway in that House, nay, that they have very often had a decided ascendancy in that House? Is it not perfectly notorious that Lord Hardwicke—a great Judge—long ruled that House?—that he bequeathed that power to another Judge, equally famous—Lord Mansfield; and that when his energy decayed he bequeathed the power he had received from Lord Hardwicke to a third Judge—Lord Thurlow—who was succeeded in his turn by Lord Eldon? We many of us can remember how powerful a political influence Lord Eldon exercised in that House—how he made and unmade Ministries—with what veneration, approaching to idolatry, he was regarded by one great party in this country—with what peculiar aversion by the other. When Lord Eldon's long domination over the Lords ceased, there arose both Whig and Tory Lord Chancellors who divided or contended for power in that House. Some who are here can remember, and no one who had then a seat in this House can have forgotten—those first ten days of October, 1831. It was the most alarming and exciting crisis during my life. It was the time at which that great debate of many nights took place in the House of Lords which ended in the rejection of the Reform Bill on the second reading. God forbid we should ever see such another crisis! I certainly can never hope to hear such a debate again. It was, indeed, a great and most splendid display of every kind and variety of ability. I dare say some of those are here, who, like myself, waited all that last night—waited until the late daybreak of an autumn morning—for the result of the division—walking up and down the Court of Requests, crowding and squeezing to reach the doors of the House of Lords—pleased if we could catch a word of that wonderful conflict of oratory. And there, in the front rank of either side, appeared two Judges leading the opposite parties—Lord Brougham, the Lord Chancellor of England, on the one side—and Lord Lyndhurst, the Chief Baron, on the other. How we hung on their words! How eagerly they were read before noon that day by hundreds of thousands through the country! What fearful excitement they caused!—excitement proved a few hours later by the disasters of Nottingham and the sack of Bristol. And yet this so exciting and important arena the noble Lord, who hates political Judges, is perfectly willing to leave open to the Master of the Rolls. His objection is not to the union of the political and judicial functions, but simply to the union of the judicial character of the Master of the Rolls with that of a Member of the House of Commons. The Master of the Rolls may be—the noble Lord has not the least objection to it—the soul of a great party—the head of a great party—the leader of a democracy, the leader of an aristocracy—he may use all his powers of oratory or sophistry to enlist the passions or mislead the understandings of the Senate; but it must not be in this room; he must go a few hundred feet from where we are assembled; he must sit on a red bench and not on a green one; he must say "My Lords," and not "Mr. Speaker," and then the noble Lord is perfectly willing to allow him to form part of a political assembly. But I am understating the case; indeed, I am greatly understating it. For this union of the judicial and political character in the other House is not a mere accidental union. The fact is, not only that a Judge may be made a Peer, but that all the Peers, as Peers, are necessarily Judges. Why, no foreigner who had been admitted to the gallery of this House, and had heard the noble Lord laying down the principle that we should make a change in the law in order to prevent the union of the political and judicial character, could ever have imagined that in this country the supreme Court of the realm is a great political assembly; that to this assembly go up appeals from all the Courts of equity and law in this country, from the Courts in Scotland and in Ireland, and from this very Master of the Rolls himself. Is it not perfectly clear that if the principle of the noble Lord was sound, he should begin, not with the Master of the Rolls, but with the House of Lords? For, can any position be clearer than this, that it is more important that the Court above should be constituted on right principle than the Court below? If the Master of the Rolls goes wrong, the House of Lords may correct him; but who is to correct the errors of the House of Lords? The noble Lord is perfectly content that their Lordships shall, in the morning, sit as Judges upon questions which affect the liberties and the property and the character of every man amongst us; that they shall decide these in the last resort—shall pronounce determinations which, until they are altered by Act of Parliament, are absolutely binding on all the ordinary tribunals of the realm—the Master of the Rolls amongst them; and then that in the afternoon the same Lords shall meet as politicians, and debate—sometimes pretty sharply, and sometimes in such a way that, if you, Sir, were among them, you would call them to order—and debate such questions as the Canadian Clergy Reserves, Irish Education, or the Government of India. And to all this the noble Lord says he has no objection whatever. Here, then, you have a judicial system in which the exercise of political functions is combined with the judicature both above and below. If we pass this Bill it will probably be taken up to the House of Lords by men who have judicial functions, and will there be taken out of their hands by the Lord Chancellor, who is a Cabinet Minister, and at the same time the highest Judge in the realm—and this mummery we call "purifying the administration of justice from all political function." Oh, no, it is nothing of the kind. This is a Bill for the purpose of purifying the administration of justice! If justice does need such purification it is utterly ineffectual; it is effectual for one purpose and for one purpose only—the purpose which has been so ably noticed by my hon. Friend—it is effectual only for the purpose of weakening and degrading the House of Commons. This is not the first time that a similar attempt has been made. More than 150 years ago there was a very great and general outcry—and a just one—there was great reason for it—against the number of placemen in Parliament, and the immense influence of the Crown—an evil which did admit of remedy; and a remedy was tried by well-intentioned men (and I doubt not that the noble Lord is well-intentioned), but rash and shortsighted men—a remedy that would have produced evils far worse than the disease they desired to cure. They brought in an Act of Parliament which provided that no person who held any office under the Crown should be permitted to sit in this House. The clause was not to take effect until after the accession of the House of Hanover; but, happily for this House and for the country, it was repealed before that accession took place. If it had not been repealed, it is easy to see what its effect would have been. It was said by those who defended it that it would purify the Parliamentary atmosphere; that the influence of the Crown, which was so fatal to the interests of the people, would be done away, and it was but just that the servant of the nation should be the servant of the nation alone. The supporters of that Bill asked, how could a person who was deeply interested in supporting the prerogative of the Crown, be a faithful guardian of the liberties of the people? That was specious—but no more; for no person can doubt what the effect would have been of that clause in an Act of Parliament, if it had remained the law. The effect would have been to degrade that branch of the Legislature that springs from the people, and to elevate the hereditary aristocracy. All the Ministers of the Crown must necessarily have been Peers, and all the eminent Members of the House of Commons would have made it their object to obtain a peerage. As soon as any man by his eloquence, or by his knowledge of business, had raised himself to such distinction that he was selected to be Chancellor of the Exchequer—First Lord of the Admiralty—Secretary of State—First Lord of the Treasury—Secretary at War, or no matter what, he would instantly turn his back on what would have been then emphatically the "Lower" House, and would have gone to that House in which alone it would have been possible for him to display his great ability for the administration of public affairs. Sir Robert Walpole, the first Pitt, the second Pitt, Fox, Canning, Peel—all the men whose fame is inseparably associated with the House of Commons—whose names are mentioned with pride—whose memories must be in the recollection of every one who passes through St. Stephen's Chapel, the old scene of their conflicts and of their triumphs—all these men, in the prime and vigour of life, would have become Peers; while the conflict of opinions having been transferred from the House of Commons to the House of Lords, it would be utterly impossible for the House of Commons, left without a single statesman conversant with high and grave questions, of alliances, of peace, of war, to give as this House has given, and as I hope it always will give, a general direction to the whole external and internal polity of the realm. Then all Europe would have been looking to the great conflicts of Pitt and Fox in the House of Lords, and the House of Commons would have been left to look after turnpike roads and canals. That is the exact spirit of the legislation in which you are now invited to proceed. It is true that the evils to be apprehended from this Bill are not so extensive; but still they are very serious, because the tendency of this Bill, and of similar Bills, is to make this House decidedly less efficient than it once was, and decidedly less efficient than the House of Lords is now, for all the most important purposes of a legislative assembly. I have heard this question argued as if the only business of the House of Commons was party struggling—as if the only thing which a learned and eminent Judge would have to do in this House would be to vote on questions where the effect would be to turn out one set of men, and to bring another set in. It is not so. Party struggles, no doubt, there always will be; but there is an abundant and extensive province of Parliamentary labour that lies quite remote from the contentions of parties, and in which a great jurist can render immeasurable and inestimable service, and obtain for himself an imperishable name. And if ever there was a time when such a jurist was needed in this House, and was likely to be justly appreciated, it is the present. No observant man can fail to perceive that there is in the public mind a general, a growing and earnest, and at the same time, I must say, reasonable and sober desire for extensive law reform. I hope and believe that some of the Sessions that are approaching will, to a great extent, be occupied by discussions on the state of the law, and the law reforms that are required; and in such discussions no person is so well fitted to bear a useful and distinguished part as an upright and enlightened Judge; and yet at such a time it is that we are asked to shut the door of this House against the last great judicial functionary whom the bungling legislation of former Parliaments has left to us. In the meantime the other House is open to him, and is open, also, to other great judicial authorities who are excluded from this House. The Judge of the Admiralty Court is already driven from amongst us; and I believe that is an obligation which this House owes to the noble Lord who now proposes to confer upon us this other favour. In that other House they may have, besides the Lord Chancellor, the Lord Chief Justice, the Chief Justice of the Common Pleas, the Chief Baron, the Lords Justices, the Master of the Rolls, and the Vice-Chancellors; but here you are driving out the last man who, from his judicial position, could give to this House weight and consequence in any attempt—I am very far indeed from anticipating or expecting any conflict of a hostile kind with the House of Lords—but the presence of such a man would give us weight and consequence with them in any honourable rivalry that may take place to reform our institutions. I was much struck the other day—I do not know whether the hon. Member for Montrose (Mr. Hume) is in his place—but when I came down here, when the Bill was last on the paper, with the intention of voting against it, I learned it could not come on in consequence of the debate on a Bill brought in by the hon. Member for West Surrey, on the subject of the Combination of Workmen. I believe the hon. Member for Montrose is decidedly favourable to the Bill of the noble Lord; but I was amused to hear that hon. Gentleman press the House to pass a Bill on the subject of combination, for this reason—"We really," said he, "know nothing about it—it may be right or wrong—send it to the Lords, there are Judges there—they will decide whether it is right or wrong." Did any person ever hear of a great legislative assembly being called upon to abdicate its function in such a manner as that? And is it not extraordinary that a Gentleman who is so zealous for the popular part of the constitution should be the person to propose that in a matter so grave and so deeply concerning the interests of the great body of our constituents, we should content ourselves with simply registering whatever the judgment of the House of Lords might be? And is it not more extraordinary still, that, feeling as we do the deficiency of this House in one most important respect, we should propose to shut out of it the learning and ability that might yet come in? But it is said that the Master of the Rolls has duties to perform and fills a position hardly compatible with the duties of a Member of Parliament. It is said he is paid by the public, and the public require that he shall devote the whole of his time to the performance of his duties; it is said, let us enforce the division of labour, and let us not permit his time to be wasted on Parliamentary duties, but oblige him to devote it to that to which it more particularly belongs. If this be an argument, it is an argument for keeping Judges out of the House of Lords, as well as out of the House of Commons; but I deny that it is an argument of any weight whatever. I say the principle of the division of labour is one of great value and importance, but one that may be most easily abused. You can hardly carry it too far in matters that are purely mechanical, but you may easily carry it too far when you come to the higher operations of labour, and in matters of intellect. I do not doubt that in pin-making, as Adam Smith has said, the pins will be best made where one man makes the head, and another cuts the wire, and another rolls it up, and another sharpens the point. But I do not believe that Michael Angelo would have been a greater painter if he had not been a sculptor. I do not believe that Newton would have been a greater experimental philosopher if he had never been a mathematician and a logician. And I do not believe that a man would be a worse lawgiver because he is a great Judge. On the contrary, I believe that there is as close a connexion between the functions of the legislator and those of the Judge as there is between anatomy and surgery; and it would be as absurd to exclude the Judge from taking a part in legislation as it would be absurd to exclude a surgeon from the practice of anatomy, and for people to say, if they were looking out for the best surgeon, that they would have one who knew nothing of anatomy. I am happy to state that I have authority for what I say of high value—authority, indeed, to which the hon. Member for Montrose will probably pay more respect than I do—I mean the authority of Bentham. For Mr. Bentham, as a jurist and a metaphysician, I have no very high opinion, but as a juridical writer there can be none greater. In his *Judicial Organisation* I find a chapter in which he speaks of the exceeding evil of pluralities in the case of Judges. He strongly objects to suffering a Judge to be anything but a Judge, with one single exception. A Judge, he says, ought to sit in the representative assembly that legislates for the commonwealth; "for" says he, "the very best school for a great legislator is the judicial bench, and legislative ability is so rarely found in any society that it is madness to throw it away when it is accessible." The hon. Member for West Surrey has well replied to the argument of indecorum, and that there need be, in the endeavour to get a seat in this House, something unworthy of the judicial ermine. The noble Lord, I think, spoke of unseemly jollifications at elections. I wish from the bottom of my heart that indecent jollifications were the worst means by which men, reputed to be men of honour and respectability, stoop to obtain seats in this House. I should be sorry if the Master of the Rolls, in order to obtain a seat in this House, played the mountebank, or stooped to tricks upon the hustings. But I should be still more sorry if any Master of the Rolls should stoop to avail himself of the low arts, the false addresses, and the machinery of corruption by which, we are told, some hon. Members have entered this House. It is said on high authority that there are temptations which saints even should not be exposed to, and that a Master of the Rolls should be as scrupulous as a saint in avoiding temptation. On that point, if a long friendship authorises me to speak with confidence of any one, I can say that if ever the present Master of the Rolls should sit in this House, he would be brought into it by means far different from those by which he was excluded from it. But let me ask, are we prepared to say that no person can come into the House of Commons except by means that are inconsistent with the conscientious self-respect which ought to distinguish the judicial character? If so, it well becomes us to set our House in order; for how can a country long prosper if that assembly on which all its dearest interest depends—if that assembly which can by a single vote change its Government, and give a new direction to the whole policy of the country, colonial, commercial, and financial, can be entered only by means which must lower its character? But it is not so. In what measure did Sir William Scott lower his character by coming into this House as Member for the University of Oxford? In what way did Sir John Copley lower his character by coming into this House as Member for the University of Cambridge? But it is not necessary to speak of Universities; it would be most unjust and unfair in many Members of this House not to say that a delicacy and liberality of sentiment that would do honour to any University may be found among the 10*l.* shareholders of some great cities. But need we go further than to look to your own Chair? It was, Sir, of as much importance that you, at the last general election, should maintain the dignity, gravity, and impartiality of your exalted character, as that the Master of the Rolls should do so. It would be impossible for you, Sir, to permit the smallest indecorum, without grievous injury to your public character and utility. Did the great county which has done itself the honour to return you to this House as its representative, require any conduct on your part upon which the Speaker of this House must look back with shame? And what reason have we to doubt that some of our constituent bodies would not be as just to an eminent Judge as to you? There is no reason, I think, to doubt but that a Judge might take his seat in this House without being required to do anything inconsistent with the nicest punctilio of decorum due to his station. It may be said the law is inconsistent—and I admit it is; but my advice is, that as we have entered upon a bad path, let us stop in it and retrace it. The time is not far distant when we must come to reconsider the constitution of this House; I think on that occasion it will be the duty of the Government most carefully to recommend the rules according to which it shall be determined who shall be excluded from this House. The law is in a very singular and unsatisfactory state; as the law now stands no person can sit in this House who holds an office created since a particular day—I believe the 27th of October, 1705; and the effect of that rule on political offices is very inconvenient. For instance, there can be only two Secretaries of State in this House, and only two Under Secretaries of State. If there should be two Secretaries of State in this House, and if a vacancy should occur in the office of Foreign Secretary, though a Member of this House might be the person best qualified for the office, he cannot have it—you must give him the Admiralty, and give the Foreign Secretaryship to some person in the House of Lords, who would probably be better fitted for the Admiralty. There are other consequences the effect of the system. The Postmaster General cannot sit in this House; but he is generally a member of the Cabinet, and, so far as my experience goes, with the single exception of the Chancellor of the Exchequer, there is no public functionary whom it would be so convenient to have in this House as the Postmaster General; and I hope, when the constitution of this House is to be reconsidered, this will be taken into consideration. But, to speak of the Judges, my principle is very simple. Any Judge who is properly elected should be admitted into this House, except where there is some plain reason why that Judge should not come in here. There is a reason, I admit, against the admission into this House of the fifteen Judges of the Common Law bench; because they are occasionally summoned by the House of Lords to assist them—they have a place in the House of Lords—and if you mean that the House of Lords should continue to be the supreme Court of error, their sitting in it is absolutely necessary. It would be impossible to continue the House of Lords as a great Court of error, unless they are assisted by the fifteen Judges; those Judges have consequently, seats in it, and there you must leave them, for it would be inconsistent with the privileges and dignity of this House to have any Member here who is at the beck and call of the other House. The same rule applies to the Scotch Judges, and to the Irish Judges, who are excluded for the obvious reason that they could not discharge their duty in their countries if they were elected to this House. But certainly I would leave the door of this House open to the Master of the Rolls; I would throw the door open again to the Judge of the Admiralty Court, who is most absurdly excluded. I would suffer those eminent Judges who are kept out of the House, not by any particular Act applicable to them, but merely by the operation of the old Act of Queen Anne—the Lords Justices and the Vice-Chancellors—to sit in this House, if they find constituent bodies disposed to place them here. I am perfectly certain that in that way we should add to the credit of this great representative assembly—with the credit of which the credit of representative governments all over the world is intimately bound up—and render our own body far more efficient for the discharge of our duties. But whether those more extensive changes which I recommend shall or shall not be adopted, I see no reason whatever for entertaining the Bill of the noble Lord. I will ask the Conservatives of this House, will they agree to make changes in the state of a law which has lasted for twenty generations, and from which they do not themselves pretend that the smallest inconvenience has flowed? I address myself to the Liberal Members of this House, and I ask them whether it appears to them to be right to lower the character and diminish the efficiency of that branch of the Legislature which springs from the people? As one wishing to unite in myself the character of Liberal and Conservative, in both I shall give my vote most cordially for the Motion of my hon. Friend.

LORD HOTHAM, in reply, said, that if this Bill were liable to all the objections now urged against it, he knew not how to account for their having been withheld until this, the last, discussion that could take place upon it. Painfully conscious of his own inability in an adequate manner to encounter so formidable an opposition, it was nevertheless his duty; and, moreover, he was extremely anxious to say something in answer to what had been advanced against the measure he had ventured to introduce, and which the House had hitherto been pleased to view with favour. He trusted, therefore, that the House would bear with him for a short time, while he endeavoured to do so. It was not without regret that he found himself so strongly opposed by the right hon. Member for Edinburgh, who had now been heard by many Members of the House for the first time. He (Lord Hotham) had had many former opportunities of hearing him, and whether agreeing with or differing from the right hon. Gentleman, he always listened with pleasure to his speeches. But a great deal of the eloquent speech which the right hon. Gentleman had just delivered, referred not to any consequences which the present Bill could produce, but to times past, and to a state of things no longer existing. The right hon. Gentleman had inquired why it was that he (Lord Hotham) wished to exclude Judges from the House of Commons, without taking equal exception to their sitting in the House of Lords? If the right hon. Gentleman had attended the former discussions on this Bill, he would have heard the distinction between the two cases sufficiently explained; and he (Lord Hotham) would repeat that explanation now, if the right hon. Gentleman had not answered his own inquiry in reminding the House that Peers were, *ipso facto*, Judges —an admission which, if it proved anything, might be considered as pointing to the peculiar propriety of learned Judges having seats in that assembly. The right hon. Gentleman had made another statement, which coming from one so conversant with history as himself, had astonished him (Lord Hotham) more than he could express. The right hon. Gentleman had asked, with an air of triumph, how the judicial office could be degraded by the appearance of Judges as candidates for seats in a popular assembly, without the dignity of the high office now so ably filled by the right hon. Gentleman in the chair, being in like manner impaired? But the right hon. Member for Edinburgh had strangely forgotten the entire want of analogy between the two cases, and had supposed that which could never occur—it being obvious to every one that no one not already a Member of the House could be its Speaker—that therefore a Speaker never could be a candidate at an election—that the same act which sent Members to their constituents, terminated also the office of Speaker —and, as he need not remind those now on the Treasury bench, that it had been very recently shown, that a long and faithful discharge of his duties to the House was not always considered sufficient to ensure the re-election of a Speaker. The right hon. Gentleman had alluded to the exclusion of the Judge of the Admiralty Court, and had, in attributing it to him, satirically called it a benefit which he had procured for the House. He (Lord Hotham) had in a former debate explained the grounds on which he had proceeded on the occasion to which the right hon. Gentleman had alluded, and was therefore unwilling to trouble the House with a repetition of them; but the right hon. Gentleman now imposed upon him the necessity of stating more fully to the House the circumstances attending the exclusion of that learned Judge. The exclusion of that high functionary from the House of Commons was expressly recommended by a Committee which sat in 1833, which also recommended that Judges, instead of being paid by fees, should be paid by fixed salaries, and should have retiring pensions, but should be incapacitated from sitting in that House. According to the statement of the right hon. Gentleman, it might be supposed that the Members of that Committee were young and inexperienced politicians, having little, if any, regard for the stability of our institutions. The House would perhaps permit him to give the names of some of the hon. Members who served upon that Committee, and it would then be seen how far they were of that description. The Chairman of that Committee he saw opposite to him, the right hon. Gentleman the Member for Taunton (Mr. Labouchere), and the Report of the Committee was in all probability drawn by him according to Parliamentary usage. He (Lord Hotham) had in his hand a copy of the Report of that Committee, and he would mention the names of some of those daring invaders who had proposed this measure. First, was the late Sir Robert Peel. Was he a man likely to have proposed any measure which would degrade the character of the House of Commons, and was he not well acquainted with what were the duties both of a Judge and of a Member of Parliament? The right hon. Gentleman the First Lord of the Admiralty (Sir J. Graham), whose opinion on this subject he (Lord Hotham) knew, and whom he was sorry not to see in his place, was also a Member of that Committee. Then came Mr. Charles Williams Wynne, Sir James Scarlett, afterwards Lord Abinger, Mr. Abercromby, now Lord Dunfermline; the right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn); the present Chief Baron of the Exchequer; Lord Campbell, then Solicitor General; the present Chief Justice of the Common Pleas; Lord Sandon, now the Earl of Harrowby; Sir John Nicholl, Mr. Cutlar Ferguson, Serjeant Spankie, Mr. Estcourt, Mr. William Brougham, a Master in Chancery; Lord Ebrington, now Earl Fortescue; Sir Charles Lemon; and the hon. Baronet the Member for the University of Oxford—heretofore the uncompromising champion of consistency—

Sir ROBERT H. INGLIS: I did not concur in the recommendation.

Lord HOTHAM: But the hon. Baronet never took any opportunity of expressing his dissent from the Report; and last came the learned Judge himself, Dr. Lushington, then one of the most distinguished Advocates in Doctors' Commons. The right hon. Gentleman the Member for Edinburgh had asked him if there was any degradation in canvassing those 5*l.* freeholders whom the hon. Member for West Surrey considered ought to be disfranchised? What he meant to say was, that there were things to be done at every election, which, although no degradation to private persons, were not compatible with the dignity of a person holding a high judicial office. As an illustration, he would take a case which had occurred at the last general election—a case where the nomination was attended by a large crowd of persons, and one of the candidates, not being allowed to speak when he wished to address his constituents, was at length obliged to retire to the back of the hustings, and surround himself with the representatives of the press, who alone had the benefit of hearing his discourse. Would such a scene as that have well become the gravity of the judicial character? In the chairing, too, he would ask was there nothing in which a Judge ought not to join? He had seen at the conclusion of an election for the city of Oxford the successful candidate carried up the High-street with the back of his head streaming with blood — a parting compliment from some disappointed adversary. A learned Judge, too, would not be exempt from the chance of a petition being presented against his return; and the House was aware how many hon. Gentlemen had been unseated in consequence of acts committed by persons in connexion with them. Now, it might be an unfortunate thing for a private individual to lose his seat upon such grounds as these; but he would ask the House, would not the judicial bench be degraded if the Master of the Rolls, or any other Judge, were declared, by his agents, guilty of bribery; and whether such degradation would be removed by the Committee reporting that it had not been proved to their satisfaction that such bribery was committed with the knowledge or sanction of the learned Judge? There was also one point which he (Lord Hotham) had before referred to, and that was, that the Master of the Rolls was liable to be called upon to decide cases in which his own constituents were concerned. He had since the last occasion on which this subject had been under discussion in that House, noticed in the Rolls Court cases connected with the disposal of charities proceeding from electoral boroughs; and there was nothing to prevent cases being brought for decision from the very borough which the Judge himself represented. He had on former occasions quoted, in support of the course which he felt it his duty to pursue, the opinions of individuals well conversant with the duties of a Judge, and also of the duties of a Member of that House—opinions which ought to bear some weight with the right hon. Gentleman himself. He had quoted the opinion of a learned Gentleman, which, upon a subject of this nature, was well worthy of the consideration of the House—the opinion of the late Sir Samuel Romilly, and it was decisive against the propriety of a Judge being also a Member of that House. The late Master of the Rolls, Lord Langdale, was asked to accept the office upon condition that he became a Member of one or other House of Parliament. The noble and learned Lord refused, stating that he thought it quite clear that the Master of the Rolls ought not to be a Member of the House of Commons, for if an active Member he would act in a manner inconsistent with his judicial character; if inactive, he might neglect the interests of his constituents, and of those who promoted him; and, active or inactive in the House, he might be placed in the predicament of having to adjudicate in his office between his constituents and others. And he, moreover, distinctly declared that the judicial office was sufficient to occupy the whole of any man's time. Lord

Brougham was also of opinion that the duties of a Judge and of a Member of Parliament were incompatible with each other. That noble and learned Lord, in speaking on the subject of the admission of a Judge into the House of Commons said—"You should not allow him to be one day on the bench, and the next to make his appearance on the hustings; the sort of conduct which a popular constituency expects is not becoming in a Judge." He had been furnished, through the kindness of an hon. and learned Member of the House, with the authority of an individual distinguished for the great variety of his attainments, and that individual was Mr. Curran. When Mr. Curran received a requisition to stand for the borough of Newry, what did he reply? He replied, "I know that you will not impute to want of the most profound respect for you the determination I have formed of not soliciting the vote of an individual. I cannot run the risk of soliciting a suitor in the character of an elector; for to do so would not befit my judicial situation, and I think it would diminish that credit which suffrage above all suspicion of bias, ought to give to your representative." He had one other authority which he desired to quote as being the authority of a Member of that House, and one upon which many hon. Members would look with respect, and no one, perhaps, more so than the hon. Member for West Surrey, for it was the authority of the hon. Member himself! On the day preceding that on which the Bill now before the House would, but for the length of other business, have come on for discussion, the hon. Member, in the course of a speech which he made upon another subject, asked the question, "Why are there so many lawyers in this House?" and then, thinking, perhaps, that a categorical answer from all the lawyers to whom he alluded would occupy too much time, the hon. Member answered the question himself. "Because," he said, "they know that making flashy partisan speeches in the House of Commons is more likely to procure them judicial situations than fagging in their chambers." If this were true, he could employ no more powerful argument in favour of his Motion; and if the hon. Gentleman believed it to be true, as he (Lord Hotham) felt sure he did, or he would not have said so, then he would contend that if any hon. Member less than another ought to have proposed the Amendment, it was the hon. Member for West Surrey. He did not see the noble Lord the Member for the City of London in his place, or he would have reminded him how often he had complained of the unwillingness of hon. Gentlemen to move forward with the times, and would have made a similar complaint against the noble Lord, and would have shown how he was now justly liable to the same imputation. The right hon. Gentleman (Mr. Macaulay) had said that the result of this measure would be to degrade the House of Commons; whereas the object of it was to preserve from degradation the judicial bench. And it was upon this ground, and in reference both to the public interest, and to the real interest of learned Judges themselves, that he (Lord Hotham) called upon the House to pass the present Bill.

Mr. HUME said, he was absent when the debate commenced, and he understood that allusion had been made by the right hon. Member for Edinburgh (Mr. Macaulay) to some speech of his on the combination laws; but he only wished to state on this occasion why he supported this Bill: he supported it because he considered the duty of the Master of the Rolls was utterly incompatible with the duty of a Member of that House, and he had voted for the exclusion of the Judge of the Admiralty on the same grounds.

Question put.

The House *divided*:—Ayes 123; Noes 224: Majority 101.

List of the Ayes.

Arkwright, G.
Atherton, W.
Bagge, W.
Bailey, C.
Baldock, E. H.
Barrington, Visct.
Barrow, W. H.
Bennet, P.
Blake, M. J.
Boldero, Col.
Brady, J.
Brockman, E. D.
Brooke, Lord
Buck, L. W.
Bunbury, W. B.
Burrell, Sir C. M.
Campbell, Sir A. I.
Chambers, M.
Christopher, rt. hn. R. A.
Clive, R.
Cobbett, J. M.
Cobbold, J. C.
Cobden, R.
Cocks, T. S.
Codrington Sir W.
Coles, H. B.
Compton, H. C.
Crook, J.
Davies, D. A. S.
Duffy, C. G.
Duncombe, hon. A.
Dunne, Col.
East, Sir J. B.
Egerton, E. C.
Elmley, Visct.
Esmonde, J.
Evelyn, W. J.
Farnham, E. B.
Fellowes, E.
Fitzgerald, Sir J. F.
Fitzgerald, W. R. S.
Forbes, W.
Forester, rt. hon. Col.
Forster, Sir G.
French, F.
Frewen, C. H.
Fuller, A. E.
Gallwey, Sir W. P.
Galway, Visct.
George, J.
Gladstone, Capt.
Gooch, Sir E. S.
Graham, Lord M. W.
Greenall, G.
Grogan, E.
Gwyn, H.

Hadfield, G.
Halford Sir H.
Hamilton, G. A.
Hanbury, hon. C. S. B.
Hawkins, W. W.
Henley, rt. hon. J. W.
Herbert Sir T.
Hume, W. F.
Jones, Capt.
Jones, D.
Kendall, N.
Kennedy, T.
Knox, hon. W. S.
Langton, W. G.
Laslett, W.
Lindsay, hon. Col.
Lovaine, Lord
Macartney, G.
Mandeville, Visct.
Manners, Lord J.
Meux, Sir H.
Miles, W.
Michell, W.
Montgomery, H. L.
Montgomery, Sir G.
Moody, C. A.
Moore, G. H.
Mullings, J. R.
Mundy, W.
Murrough, J. P.
Naas, Lord
Neeld, J.
Oakes, J. H. P.
Pakington, rt. hn. Sir J.
Palmer, R.
Parker, R. T.
Peel, Col.
Pennant, hon. Col.
Potter, R.
Prime, R.
Pritchard, J.
Pugh, D.
Repton, G. W. J.
Rolt, P.
Scobell, Capt.
Seymour, W. D.
Smith, J. B.
Somerset, Capt.
Stanhope, J. B.
Taylor, Col.
Thesiger, Sir F.
Tollemache, J.
Trollope, rt. hon. Sir J.
Turner, C.
Tyler, Sir G.
Vance, J.
Vane, Lord A.
Waddington, H. S.
Wall, C. B.
Whiteside, J.
Whitmore, H.
Williams, T. P.
Williams, W.
Woodd, B. T.
Wyndham, Gen.
Wynn, Major H. W. W.
Wynne, W. W. E.

TELLERS.

Hotham, Lord
Hume, J.

List of the NOES.

Acland, Sir T. D.
A'Court, C. H. W.
Aglionby, H. A.
Anderson, Sir J.
Annesley, Earl of
Bailey, Sir J.
Baines, rt. hon. M. T.
Bankes, rt. hon. G.
Baring, H. B.
Barnes, T.
Bass, M. T.
Bell, J.
Berkeley, hon. C. F.
Berkeley, C. L. G.
Bethell, R.
Blair, Col.
Bouverie, hon. E. P.
Boyle, hon. Col.
Bramston, T. W.
Brand, hon. H.
Brooke, Sir A. B.
Brotherton, J.
Browne, V. A.
Bruce, Lord E.
Bruce, C. L. C.
Bruce, H. A.
Burke, Sir T. J.
Burroughes, H. N.
Butler, C. S.
Butt, I.
Byng, hon. G. H. C.
Cardwell, rt. hon. E.
Cavendish, hon. C. C.
Cavendish, hon. G.
Chambers, T.
Chaplin, W. J.
Charteris, hon. F.
Cheetham, J.
Christy, S.
Clay, Sir. W.
Cockburn, Sir A. J. E.
Collier, R. P.
Colville, C. R.
Coote, Sir C. H.
Corbally, M. E.
Cowper, hon. W. F.
Craufurd, E. H. J.
Crossley, F.
Currie, R.
Dalrymple, Visct.
Davie, Sir H. R. F.
Denison, E.
Denison, J. E.
Dent, J. D.
Drumlanrig, Visct.
Duckworth, Sir J. T. B.
Duff, G. S.
Duncombe, T.
Dundas, G.
Dunlop, A. M.
Dunne, M.
Ellice, rt. hon. E.
Ellice, E.
Elliot, hon. J. E.
Euston, Earl of
Evans, Sir De L.
Evans, W.
Ewart, W.
Fergus, J.
Ferguson, Sir R.
Ferguson, J.
Filmer, Sir E.
Fitzroy, hon. H.
Floyer, J.
Foley, J. H. H.
Forster, C.
Forster, J.
Fox, W. J.
Freestun, Col.
Gardner, R.
Gaskell, J. M.
Gladstone, rt. hon. W. E.
Glyn, G. C.
Goddard, A. L.
Goderich, Visct.
Goodman, Sir G.
Goold, W.
Greaves, E.
Greene, T.
Gregson, S.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Grosvenor, Earl
Hall, Sir B.
Hanmer, Sir J.
Harcourt, G. G.
Harcourt, Col.
Hastie, A.
Hastie, A.
Hayes, Sir E.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heathcote, G. H.
Heneage, G. H. W.
Hervey, Lord A.
Heywood, J.
Heyworth, L.
Hindley, C.
Howard, hon. C. W. G.
Hutt, W.
Ingham, R.
Jermyn, Earl
Johnstone, Sir J.
Keating, H. S.
Keogh, W.
Ker, D. S.
Kerrison, Sir E. C.
Kershaw, J.
Kirk, W.
Labouchere, rt. hon. H.
Lacon, Sir E.
Laing, S.
Langton, H. G.
Lawley, hon. F. C.
Layard, A. H.
Lewis, rt. hon. Sir T.
Lowe, R.
Lucas, F.
Luce, T.
Macaulay, rt. hon. T. B.
Mackinnon, W. A.
M'Cann, J.
MacGregor, J.
M'Gregor, J.
M'Mahon, P.
M'Taggart, Sir J.
Manners, Lord G.
Marshall, W.
Massey, W. N.
Mathieson, A.
Mathieson, Sir J.
Miall, E.
Milligan, R.
Mills, T.
Milner, W. M. E.
Milnes, R. M.
Milton, Visct.
Mitchell, T. A.
Moffatt, G.
Monck, Visct.
Moncreiff, J.
Monsell, W.
Morgan, C.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mure, Col.
Murphy, F. S.
Napier, rt. hon. J.
Norreys, Lord
Norreys, Sir D. J.
Osborne, R.
Otway, A. J.
Palmerston, Visct.
Patten, J. W.
Pechell, Sir G. B.
Peel, F.
Pellatt, A.
Percy, hon. J. W.
Peto, S. M.
Philipps, J. H.
Phillimore, J. G.
Phillimore, R. J.
Phinn, T.
Pigot, F.
Pilkington J.
Pollard-Urquhart, W.
Ponsonby, hon. A. G. J.
Portman, hon. W. H. B.
Ramsden, Sir J. W.
Ricardo, O.
Rich, H.
Robartes, T. J. A.
Russell, F. C. H.
Sadleir, J.
Sandars, G.
Sawle, C. B. G.
Scholefield, W.
Scully, F.
Seymer, H. K.
Seymour, Lord
Shafto, R. D.
Shee, W.
Shelburne, Earl of
Sheridan, R. B.
Smith, rt. hon. R. V.
Stafford, A.
Stirling, W.
Strickland, Sir G.
Strutt, rt. hon. E.
Stuart, Lord D.
Thicknesse, R. A.
Thornely, T.
Towneley, C.
Traill, G.
Vane, Lord H.
Vernon, G. E. H.
Villiers, rt. hon. C. P.
Vivian, H. H.
Walmsley, Sir J.
Wells, W.
Whalley, G. H.
Whatman, J.
Whitbread, S.
Wickham, H. W.
Wilkinson, W. A.
Wilson, J.
Winnington Sir T. E.

Wise, A.	Wyndham, W.
Wortley rt. hon. J. S.	Wyvill, M.
Wrightson, W. B.	Young, rt. hon. Sir J.
TELLERS.	
Drummond, H.	Inglis, Sir R. H.

Words *added:* Main Question, as amended, put, and *agreed to.*

Third Reading *put off* for six months.

COMBINATION OF WORKMEN BILL.

Further Proceeding on Third Reading [4th May] *resumed.*

Question again proposed, "That the word 'now' stand part of the Question."

VISCOUNT PALMERSTON said, he had no objection to the principle of this Bill so far as it went to affirm the perfect freedom of all parties to combine for purposes authorised by the existing law; but it was quite clear that that law should not be construed to authorise illegal combinations. His objection to the Bill as it stood, was this. It appeared to him that it would legalise that system of quiet and peaceful intimidation by which poor men, who were in great distress, and were willing to work at the smallest wages by which they could maintain themselves and their families, were sometimes prevented from so working, in order to be driven into combinations with other persons which they did not wish to join. There might be a man standing by the door of a factory, watching every man who went in and out, taking down his name, and giving him to understand that he was a marked man. The poor man who might be the subject of such observation knew he was thereby incurring certain consequences which he preferred to avoid by relinquishing the work on which he and his family altogether depended for subsistence. It appeared to him that such a system would be sanctioned under the words "peaceable intimidation, or inducing other persons to abstain from working." What he should therefore propose was, that this Bill should be now read a third time, and the consideration of any amendments, that could only be proposed after the third reading, be postponed for a fortnight, in order to allow time to consult with the law officers of the Crown with reference to framing a clause to meet the objection.

MR. DRUMMOND said, he quite agreed in thinking that the objections to which the Bill was liable ought to be removed, and that a fortnight ought to be given with that view.

Bill read 3°

HACKNEY CARRIAGES (METROPOLIS) BILL.

Further Proceeding on Third Reading [30th May] *resumed.*

MR. PIGOTT moved the following Amendment. At the end of Clause 2, to add the words:—

> "Provided, however, that in case of the refusal or suspension of any such licence as aforesaid, it shall be lawful for the proprietor of any such Stage or Hackney Carriage, or other persons applying for such licence, or subjected to such suspension, to appeal from the decision of the Commissioners of Police to the Metropolitan Police Magistrate for the time being sitting at the Police Office at Bow Street."

SIR ROBERT H. INGLIS seconded the Amendment. He thought, that considering the amount of capital engaged in this trade, it would be unjust to allow these matters to be decided by a single individual, without the power of appeal.

MR. WHALLEY said, he thought that the Police Commissioners would form a most useful tribunal to be invested with any kind of judicial authority.

MR. FITZROY said, that the Amendment would render the Bill nugatory so far as it regarded the refusal or suspension of licences.

Question put, "That those words be there added."

The House *divided:*—Ayes 42; Noes 79: Majority 37.

MR. ALDERMAN CUBITT rose to propose an Amendment in Clause 6, line 32: after the word "elsewhere," to insert the words "within the Metropolitan Police District."

Question proposed, "That those words be there inserted."

And it being Six of the Clock, Mr. Speaker adjourned the House till To-morrow, without putting the Question.

HOUSE OF LORDS,

Thursday, June 2, 1853.

MINUTES.] *Took the Oaths.*—The Marquess of Westmeath.

PUBLIC BILLS. — 1ª Church Building Acts Amendment.

3ª Common Lodging Houses; Aggravated Assaults; Sales of Bullion.

CONVERSION OF STOCK—FUNDS IN CHANCERY

The LORD CHANCELLOR wished to take that opportunity of making a statement with reference to the subject upon which his noble and learned Friend (Lord St. Leonards) had put questions to him on Monday and Tuesday last—he meant with reference to the interest of the suitors in the Court of Chancery in the funds which were now in process of conversion. He had already stated the course which he had taken on this subject, namely, that, having consulted with the other Judges, and finding that there was a difference of opinion among them, he thought that the best course he could take for the interest of the suitors would be to do as his predecessors had done on occasions as nearly as possible analogous; and that course he found had always been to assent to their taking the lowest species of stock, giving the parties, meantime, the opportunity of dissenting, if they thought fit, and of having a different order made in their case. Before he did so, however, he had ascertained that, in the opinion of those who were best able to form an opinion on the subject, the probable value of the 2½ per cent stock would amount, as nearly as possible, to 100*l.* He, therefore, made an order accordingly. Unfortunately, since then the funds had fallen materially, and within the last quarter of an hour he had had an interview with the broker and other gentlemen who managed the financial affairs of the Court of Chancery, from whom he had learnt that the rate of discount had been that day raised by the Bank of England. The funds, as he had just said, having become considerably lower than when his order was issued, he felt that if he were to carry the order into execution in the present state of the money market, it would be injurious to the interests of the suitors. He was, however, placed in this difficulty, that there might be, nevertheless, some suitors who would have preferred the 2½ per cent stock, but who abstained from taking any step in the matter in consequence of his order. On the whole, he believed that the best thing he could do was to look to the current market rate, and having authentic information that, according to that rate, each 100*l.* of 2½ per cent. stock would, at present, be between 3*l.* and 4*l.* below the value of 100*l.*, he had thought that that was a sufficient warrant for him to revoke the order. Consequently, no further assent would be given to the acceptance of that stock on behalf of the suitors in Chancery.

The Lord Chancellor

ALTERATION OF OATHS BILL.

Order of the Day being read for the House to be put into Committee, *moved,* "That the House do now resolve itself into Committee."

The **EARL of ELLENBOROUGH**: It is to me a subject of deep regret—respecting as I do the ability and judgment of my noble Friend (Lord Lyndhurst) by whom the measure has been introduced—to have occasion at any time to act in a manner contrary to what he suggests; but in the present case I cannot but express my hope that your Lordships will not permit the further progress of this Bill. I am ready to admit that if a Bill couched in these terms were sent up to us from the House of Commons, I should be disposed to consider it with a great degree of favour. No one could be more gratified than I should be to be relieved from witnessing and participating in those—he could hardly avoid calling them mummeries—which take place at the table of this House on the occasion of the assembling of a new Parliament. I have no desire to see again repeated, or again to take a part in those confused and inarticulate mumblings in which I am sorry to say these oaths and declarations are necessarily delivered and taken. I see in such mumblings and mummeries no security whatever for the House of Hanover; but in this Bill neither do I see any securities for the House of Hanover. I do see, that by means of this Bill, if it be sent down by us to the House of Commons, some advantage may, perhaps, be obtained by the house of Israel. But although I am not one of those who think that any advantage is derived by the House of Hanover from the oaths as now administered, I certainly think that we have had princes of the House of Hanover, and that, too, at no distant period, who thought that the oath of supremacy and the oath of abjuration were the title deeds of their family to the Throne. I have said, that if a Bill of this kind were sent up to us from the House of Commons, I should consider it with favour; but I am not satisfied with the wording of the oath as now contained in this Bill—I think it liable to all the objections which were stated by my noble Friend on the bench above me (the Earl of Derby). I think nothing can be more objectionable, or more contrary to the rules which we ought to observe in framing oaths, than to make persons swear as to the contents of an Act of Parliament which is not bodily given in the oath itself; and especially an Act of Parliament which probably four-fifths—I may even venture to say, which nine-tenths—of the persons who are called upon to take the oath have never read. Our principle in framing an oath should be this—that the oath should contain everything necessary to the proper understanding of it—that it should be perfectly intelligible, and that it should be couched in easy, simple, and popular language; and therefore I undoubtedly think, with my noble Friend the noble Earl, that the new oath, whatever it may be, that shall be adopted by the House, should set forth prominently that the succession to the Crown is in the heirs of the Princess Sophia, being Protestants—that, in short, there should be put prominently forward in the oath both the Christianity of Parliament and the Protestantism of the Crown. But I have another objection to the Bill. I find that the terms of the oath as proposed in this Bill are these:—

> "I, A. B., swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and that I will maintain the succession of the Crown as established by an Act, entitled 'An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject;' and I do make this recognition, declaration, and promise heartily, willingly, and truly, upon the true faith of a Christian. So help me, God!"

Now, here are three substantives and three adjectives, which appear to me quite unnecessary; for instead of these six words it seems to me that the one word "oath" is the word that should be adopted. I do not like describing the oath as a "recognition, declaration, and promise," lest it should be made to appear less than an oath, and I see no necessity for the words "heartily, willingly, and truly," when there are the words "on the true faith of a Christian." For myself, I should be most willing that the oath should commence with the words "on the true faith of a Christian," in order that the Christianity of Parliament may be put forward at the very beginning of the oath. I am not disposed, by sending this Bill down to the House of Commons, to afford gentlemen of the Jewish persuasion any additional facilities beyond those which they now possess of bringing their case again before this House in the present Session. There is no debate which takes place during the whole Session which is to me so disagreeable as a debate on the Jewish Disabilities. I always give my vote upon that question with pain, but conscientiously, and I shall always adhere to the vote which I have given upon it. The Jewish gentlemen, it seems to me, come often enough before us without the necessity of our giving them a fresh opportunity of doing so. If we owed them money they could not knock at our doors oftener than they do; and I see no reason why we should afford them new facilities of coming before us on this question. I do not entertain the apprehension which some have expressed, that if this Bill should be sent back to us from the House of Commons so altered as to admit the Jews into Parliament, there would be any desertion of their duty on the part of noble Lords in this House so as to imperil in any degree the present character of the Legislature, and to afford facilities for the admission of the Jews into this or the other House. On the contrary, I trust that I could not entertain such an opinion consistently with my respect for the great majority of your Lordships' House. Whatever may be the inconvenience, I still trust that there would be a sufficient majority to defeat the Bill. At the same time, I cannot conceal from myself that there might be a majority somewhat less than that by which the measure for that purpose has already been defeated. In the discussion upon the Jew Bill, it was said that it was not fit that this House should continuously oppose itself to the wishes of the House of Commons, expressed on many occasions in successive years. Now, if the opinion of the House of Commons had been so expressed in successive years upon any political question, I do think it would have been advisable for the majority of the House to reconsider whether they could not acquiesce in the opinion of the House of Commons. But I have never treated this as a political question. I have never been able to divest my mind of the consideration that we could not admit Jews into Parliament without disparaging Christianity. It is that feeling which ever has led me to oppose their admission, and which for ever will induce me to adhere to the course that I have taken, feeling that it is impossible for me, in consideration of any continued adherence of the majority of the House of Commons to their opinions, to change my own. Therefore it is my Lords, that I now move as an Amendment, that this Bill be committed this day three months.

Amendment *moved* to leave out ("now") and insert ("this day three months.")

The EARL of WICKLOW said, he could not have wished for a better speech in favour of the Bill than that which had been delivered by the noble Earl who had just resumed his seat. The noble Earl had called those oaths "mumbling" and "mummery;" and he had expressed his regret that he should be compelled even to witness such proceedings. Now he (the Earl of Wicklow) could not understand how any man who entertained the opinions of the noble Earl upon the subject, could reconcile to his sense of what he owed his country and his God, his opposition to a measure which was intended to remedy the very evil of which he complained. The noble Earl had answered the only feasible objection that had been urged by the noble Earl (the Earl of Derby) in that case, for he had told them that he had no apprehension that if the Bill should come back from the House of Commons so altered that it would admit Jews into Parliament, a majority of their Lordships would not be found to reject it. He (the Earl of Wicklow) felt no apprehension on that score: indeed it was an insult to their Lordships to suppose that those of them who thought that the Jews should not be admitted into Parliament would be deterred by any consideration of convenience from coming forward and defeating such an attempt. He trusted their Lordships would adopt this measure; and if the oaths, as proposed by the noble and learned Lord, were considered objectionable in point of expression, they could easily be amended in Committee, and made perfectly acceptable to the whole House.

The EARL of DERBY said, that having taken the opportunity of the second reading of this Bill to express the objections he entertained to it, and concurring also in every word of the brief but able statement which had been made by his noble Friend the noble Earl near him (the Earl of Ellenborough) he did not feel it necessary to trouble their Lordships with more than a few words, to express the reasons for which, with very great reluctance, he came to the conclusion that it was his duty to vote in favour of the Amendment. In doing so he begged to assure his noble and learned Friend (Lord Lyndhurst) that he had no doubt whatever in regard to the intention with which he had introduced this measure; and although he could not altogether concur in the terms of the oath which his noble and learned Friend proposed to introduce, although he agreed in some of the objections stated to that oath by the noble Earl who commenced the discussion, and although he thought there were some omissions in the Bill which ought to have been supplied, yet, if he could look at this measure alone, or if he could have received it as coming up in its present shape from the House of Commons, he should have had no hesitation in consenting to go into Committee upon it, there to consider what amendments should be made in the oath, and, if necessary, in the subsequent clauses. He would only say, with regard to the oath itself, that he thought there was another omission which had not been mentioned by his noble Friend who opened the debate. Although he frankly admitted that the wording of the present oath was not altogether satisfactory, inasmuch as it had led to some differences of opinion and some doubts which they were bound to respect, yet he thought it was not undesirable that the Protestant Members of Parliament should, in the oath upon taking their seats, continue to record their protest against any usurpation of power, spiritual, ecclesiastical, or temporal, within these realms. Now, the oath as proposed by his noble and learned Friend altogether omitted such consideration. He confessed, too, he did not feel so sanguine as his noble Friend behind him appeared to do, in regard to the certainty of such an attendance of their Lordships at a very late period of the Session as would ensure the rejection of such amendments as might be introduced into this measure by the House of Commons. He must be permitted to say that he thought Her Majesty's Government would have done well if they had removed those apprehensions and those doubts, by doing that which he thought they might have done without in the slightest degree compromising their own position, namely, by giving the assurance which he ventured to ask the other night, that, as far as the influence of the Government went, they would not allow the ostensible object of this Bill to be changed by the introduction of words which would give it a totally different effect from that embodied in the measure as it now stood. But in the face of the declaration of the noble Earl opposite, that he did not consider it consistent with his duty to give any assurance to the House with regard to the course which the Government might pursue—knowing the opinions, the recently-formed opinions of some, but still he believed the intelligent and conscientiously entertained opinions of all the Members of Her Majesty's Government with regard to this question, namely, the introduction by a side wind of the Jews into Parliament—knowing that, on the part of the Government, there was a determination to favour those claims—and knowing that the same resolution existed on the part of a majority in the other House, that majority being sanctioned and upheld by the Members of Her Majesty's Government there—knowing all this, could he shut his eyes to the possibility, or rather could he exclude from himself the absolute moral certainty, that such an Amendment as that they deprecated would be made in the other House, and that that Amendment, if so made, would be supported by the whole strength of the Government? If, then, the Bill was to be returned from the House of Commons amended in that manner, and if their Lordships were not even to have so much power as to state their opinions and reject the Amendment, and with it the Bill, what was meant, he asked, by permitting it to go through any further stages, thus introducing a new collision between the House of Commons and their Lordships? He must be permitted again, notwithstanding what fell the other night from the noble Earl opposite, to say that the statement which was made by the noble Lord at the head of the Government in the House of Commons, to the deputation which waited upon him on the subject of the Jewish claims, desiring them to wait until they ascertained the nature and result of this Bill, had, as applying to those Jewish claims, no meaning at all, unless it meant that the friends of the Jews should wait until they saw whether the Bill would afford an opportunity of engrafting upon it something favourable to the Jewish claims. The noble Earl said, that the noble Lord made no such promise, but only told the deputation not to pursue their agitation further until they saw what the effect of this Bill would be. But why wait to see what the effect of the Bill would be, if it was not intended in any degree to affect the Jewish claims? If it was not the intention of the noble Lord to hold out an expectation that he would favour the engrafting of some principle upon this Bill favourable to those claims, then it could only be said that he used language calculated very much to mislead those whom he was addressing, and which formed a sufficient warrant for the course which their Lordships were now advised to pursue. But he must look to the possibility of another and an important Amendment, which might be introduced by the House of Commons into this Bill. Their Lordships would observe that the noble and learned Lord retained in this Bill the terms by which Jews were incidentally — he admitted it — excluded from Parliament, and also the terms of the Roman Catholic oath as settled by the Act 10 *Geo.* IV.; but the terms introduced into the oath which was proposed to be taken by Protestants were terms to which no reasonable objection could be entertained on the part of the Roman Catholics, and such being the case the House of Commons might think that one oath might do for both, and so exclude from the Bill the clause which contains the substance of the Roman Catholic oath. This was a matter of some importance. If he was not mistaken, the noble Lord to whom he had referred had made a declaration in his place in Parliament, that, in his opinion, it is a matter of great regret that any Roman Catholic should be called upon to take the oath, that by virtue of the position which he holds in the House of Commons he will not seek to destroy or injure the Protestant Church. Now that oath was insisted on as a security in the 10th *Geo.* IV., and although by several Roman Catholics it had been construed in a sense which he could not reconcile to conscience, he knew there were some who had felt themselves stringently bound to perform that part of the compact under which they were permitted to sit in Parliament, and who felt that it did impose on them a restriction binding on their conscience, which prevented them from interfering in any manner which might be detrimental to the temporal interests of the Protestant Church. The noble Lord at the head of the House of Commons had declared that he viewed that with regret; that he was sorry to see any such declaration made; that the oath is at present vindicated on the ground that the Protestant oath is one that the Catholic cannot conscientiously take. But altering, as this Bill did, the oath to be taken by Roman Catholics, see how it would strengthen the position of the noble Lord, who would say, "Why, there is now nothing in the oath required to be taken by the one which may not be taken by the other; you have a fair opportunity of giving effect to the regret I feel that the destruction of the Protestant Church Establishment may not be, like other matters, the subject of open discussion in Parliament; strike out that exceptional oath, and give effect to those views of mine under which I hope to see Roman Catholics exempted from taking that oath, and recognising that obligation which, on the mind of many of them, does act as a stringent and binding restraint." Therefore it was not simply on the ground of the probable admission of the Jewish claims, but because he considered the Bill of considerable importance with regard to the restraints imposed on Roman Catholic consciences, that he objected to send it to a Committee at this period of the Session, knowing the alterations that were certain to be made in it in the House of Commons, with the advice and sanction of Her Majesty's Government; and that it would be sent up again to their Lordships, to be supported and passed by the aid of the Government; or, if rejected by their Lordships, then rendering all their labour vain, and renewing, for the second time, a collision between the two Houses in the course of the present Session. But if a Bill of this tendency should take its origin in the other House of Parliament, or if his noble and learned Friend, at the commencement of the next Session, would undertake to introduce a similar measure, when there would be ample time for the consideration of its details—he had no hesitation in saying that he should upon such an occasion give a different vote from that which he was now about to give; and he would willingly and frankly and rejoicingly consent to co-operate with his noble and learned Friend in placing the Bill on such a footing as would make it sufficient for the purpose for which it was intended—affording every fair and reasonable security, and at the same time couched in such terms as not to violate the most scrupulous and the most delicate conscience. Let the Bill be introduced as a separate measure—as a portion of that reform promised by the Conservative and Radical section of the Government—let it also be introduced at the commencement of the Session, and then it could be fully and fairly considered.

The EARL of ABERDEEN trusted their Lordships would excuse him for saying that this was the first time they had ever been asked to legislate on such grounds as those urged by the noble Earl—grounds which, he would venture to say, were neither respectful to the House of Commons, nor creditable to their Lordships. They had before them a Bill which it was generally considered wise and expedient to adopt. The only objections urged by the noble Lords opposite were precisely such objections as admitted of amendment in Committee—objections, some of them grammatical, some more or less important, but all capable of complete amendment. And their Lordships were asked to decline to undertake the amendment of the Bill, because, forsooth, it was possible the House of Commons might amend it in a mode of which their Lordships might not approve. It was not respectful to the House of Commons to object to a good measure, from an apprehension that they would exercise their lawful privilege of amending it according to their own views; nor did he think it creditable to their Lordships to reject a measure of which they approved, in consequence of vague apprehensions. With reference to the practical objection made by the noble Earl, that this Bill, if sent down to the House of Commons in the present state of the Session, might be returned at a time when their Lordships would be unable to deal with it, he could only say this, that although he could give no pledge as to what any Member of the House of Commons might think proper to do, he would pledge himself that no delay should take place which it was possible for Her Majesty's Government to avoid. The noble Earl was entirely mistaken in his description of what had taken place between his noble Friend the Member for the City of London, and the deputation of the Jewish body that had waited upon him. His noble Friend was then entirely ignorant of the nature of this Bill. He (the Earl of Aberdeen) was equally ignorant of its nature. His noble Friend asked him to communicate the Bill to him. But the Bill had not been printed; his noble and learned Friend never communicated the nature of the measure to him; and he was under the impression that it was, in some mode or other, a Bill intended directly for the relief of the Jewish body. His noble Friend, therefore, very naturally said, "I must wait until I see this Bill before I can give any opinion on the subject." What the present intentions of his noble Friend might be, he (the Earl of Aberdeen) was utterly ignorant. It was for him to do as he thought proper; but he (the Earl of Aberdeen) declined to enter into any engagement or pledge on the subject. He looked upon the measure under their consideration as one with which they were bound to deal in the ordinary way. He submitted to their Lordships that they were bound, according to every dictate of reason, to go into Committee, when they admitted that in Committee all the objections which they entertained to the measure might be removed. That was the simple course which he should recommend them to adopt—a course to which no noble Lord who had spoken had objected, except from an apprehension of what might happen when the Bill had been amended according to the best of their judgment, and submitted to the consideration of the other House of Parliament. So far as he was aware, in the case of those who were friendly to the admission of members of the Jewish persuasion to the House of Commons, no attempt would be made to introduce such amendments as many of their Lordships seemed to apprehend; and he should humbly submit to them that, according to every just and rational mode of proceeding, no valid objection existed to prevent them from going into Committee upon the Bill under their consideration.

On Question, That "now" stand part of the Motion, their Lordships *divided*:—Content 69; Not Content 84: Majority 15.

List of the CONTENT.

The Lord Chancellor

DUKES.

Argyll
Bedford
Buccleuch
Cleveland
Leinster
Newcastle
Norfolk

MARQUESSES.

Clanricarde
Conyngham
Lansdowne
Ormond
Sligo

EARLS.

Aberdeen
Airlie
Albemarle
Bessborough
Burlington
Camperdown
Carlisle
Chichester
Cowper
Fortescue
Gosford
Granville
Haddington
Kintore
Powis
Scarborough
Sefton
Somers
Spencer
Wicklow
Yarborough
Zetland

VISCOUNTS

Canning
Enfield
Sydney

BISHOPS.

Norwich
Worcester

BARONS.

Beaumont
Brougham
Bolton
Byron
Camoys
Campbel
Churchill
Colborne
Congleton
Cremorne
De Mauley
Elphinstone
Foley
Hatherton
Leigh
Lyndhurst
Manners
Monteagle
Panmure
Petre
Poltimore
Rivers
Say and Sele
Stanley of Alderley
Suffield
Vaux
Vivian
Wenlock
Wrottesley.

List of the NOT CONTENT.

DUKE.

Northumberland

MARQUESSES.

Ailsa
Bath
Camden
Cholmondeley
Salisbury
Westmeath

EARLS.

Abergavenny
Bandon
Beauchamp
Bradford
Cadogan
Clanwilliam
Caledon
Darnley
Delawarr
Derby
Desart
Effingham
Eglintoun
Ellenborough
Egmont
Glengall
Galloway
Harrowby
Harrington
Hardwicke
Harewood
Jersey
Leven
Lonsdale
Lucan
Macclesfield
Malmesbury
Mansfield
Mayo
Morton
Nelson
Orkney
Pomfret
Romney
Shaftesbury
Stradbroke
Sheffield
Strathmore
Talbot
Verulam
Wilton

VISCOUNTS.

Bolingbroke
Canterbury
Hawarden
Midleton
Strangford
St. Vincent

BISHOPS.

Carlisle
Llandaff
Oxford
Rochester
St. Asaph
Salisbury
Tuam
Winchester

BARONS.

Alvanley
Abinger
Bayning
Berners
Blaney
Calthorpe
Colchester
Colville of Culross
De Lisle
De Ros
Delawarr
Dynevor
Forester
Feversham
Redesdale
Rayleigh
Southampton
St. Leonards
Tenterden
Templemore
Wharncliffe
Walsingham
Wynford.

Resolved in the *Negative;* and House to be put in Committee on *this day Three Months.*

POOR REMOVAL BILL.

Order of the Day for the Second Reading read.

LORD BERNERS *moved*, That the Bill be now read 2^a. The Bill consisted of one enacting clause which he considered clear and intelligible, and perfectly free from objection. It was as follows:—"That from and after the passing of this Act it shall not be lawful for any justice of the peace to remove or convey, or to order to be removed or conveyed, any person to any parish in England and Wales, on the ground that he is legally settled there." The present law of settlement had been condemned by the Committee of the House of Commons in 1847. That Committee stated that it was injurious to the working classes, productive of great hardship to the poor, and a great cause of litigation, and they recommended an increase of the area of taxation. A similar view was taken by a Committee of the House of Lords in 1850. His efforts to ameliorate the moral and social condition of the poor had led him to the same conclusion, and he believed that one of the greatest boons that could be given to the labouring population of England would be the abolition of the present law of removal and settlement.

LORD STANLEY OF ALDERLEY opposed the second reading. The noble Lord said, that although many persons were prepared to go the same length as the noble Lord who moved the second reading of the Bill, yet no person had ever proposed to do so, without there being also a material alteration in the present system of rating for the poor. To do what the noble Lord asked, without such an alteration, would be to throw a very heavy burden on the towns. At present the towns materially contributed to the relief of the country parishes by giving employment to their surplus population; but if this Bill passed, the towns would have to maintain the labourers who came from the country. The matter had already been under the consideration of the Government; but at this advanced period of the Session, considering the state of business in the other House, and that any alteration in the law of settlement must be accompanied by an alteration in the system of rating, he would suggest to the noble Lord that he should not press the further progress of this Bill.

LORD CAMPBELL believed that the passing of this Bill would introduce universal confusion, and be a source of misery to paupers and of ruin to landowners. The area of settlement might no doubt be enlarged very beneficially; but all that this Bill did was to entitle the poor to relief in whatever place they might happen to have settled.

The EARL of HARDWICKE admitted that the subject was one which was discussed throughout the country, and that the poor-rates were daily pressing to a greater extent on the agricultural interest; but he did not think that their Lordships or the country were at present in a situation to accept this Bill. There could be no doubt that the law of settlement did press hardly on the labourer, by confining him within a very narrow area, and that some amendment of it might be beneficial.

Though he would advise the noble Lord to withdraw the present Bill, he was convinced that the time was not far distant when Parliament would have to deal with the question.

LORD BERNERS said, that after the opinions expressed by noble Lords, if the Government would give him a pledge that if they had the opportunity they would bring in a Bill on the subject at the earliest time they could next Session, he would not object to withdraw the Bill.

LORD BEAUMONT considered that this Bill was one to give paupers the opportunity of choosing the place upon which they might cast the burden of their settlement. No doubt, a great improvement might be made in the present law, but he was not prepared to support this Bill.

LORD FEVERSHAM regretted that in consequence of the advanced state of the Session the noble Lord was not likely to carry out his measure; but he trusted that early in the next Session the subject would be taken up by the Government.

On Question, *Resolved* in the *Negative:* Bill *withdrawn*, by leave of the House.

THE ECCLESIASTICAL COMMISSION—ACCOUNTS MOVED FOR.

The EARL of POWIS moved for the following Returns relating to the accounts in the General Reports of the Ecclesiastical Commissioners:—

> "Return explanatory of Table 9*a*. in Appendix to Third General Report, distinguishing in each year receipts and payments on account of capital from those on account of revenue (common fund); the same as to Table 6 (episcopal fund); abstract of receipts from episcopal property, and payments for episcopal purposes, from extinction of episcopal fund, 1850, to November, 1852, distinguishing capital from revenue; abstract of receipts and payments of the common fund, from November, 1850, to November, 1852, distinguishing capital from revenue; return of fines and of purchase-moneys directed to be invested by the 6 & 7 *Vict.* cap. 37, sec. 6, and of the amounts and modes of such investments; return of amount borrowed by Commissioners from Queen Anne's Bounty, under the 6 & 7 *Vict.* cap. 37; estimate of receipts and expenditure on account of revenue for the year ending November, 1853, distinguishing receipts arising from episcopal property, and amount to be expended for episcopal purposes; return of land, stocks, money, Exchequer Bills, and other property received by Ecclesiastical Commissioners for special purposes and trusts—the investments of such property, and amount and nature of annual and other liabilities undertaken by Commissioners in respect thereof; detail of tithes sold by the Ecclesiastical Commissioners, stating the parish and amount of rentcharge, and the purpose to which such rentcharge was previously applied."

The noble Earl explained, that he asked for these fresh accounts because he considered the existing returns to be defective and inconsistent with each other. One objection to them was, that the Commissioners were selling a large amount of land and stocks, and in their accounts the receipts and payments on these accounts were mixed up with their ordinary receipts and payments, and that there was no distinction made between payments on account of capital, and payments on account of revenue; and the items were so mixed up as to create a great degree of uncertainty with respect to the state of property in the possession of the Commissioners. There was nothing in the existing accounts which showed the principles on which the Board was acting, and there were, besides, discrepancies in the figures as they appeared in the second and third general reports which rendered it desirable that more accurate and distinct returns should be furnished. Having quoted some statement of figures from the accounts, with the view of showing the defective mode in which they were kept, the noble Earl concluded by observing that he did not know whether those accounts had been laid before the Commissioners for auditing the public accounts, and had passed the Government audit, or not; but if they had, that circumstance afforded a proof that the establishment of a Government audit for railways would give no great security to the shareholders against improper dealing. He would venture to say that no railway company would have gone on ten years without attempting to show a balance of their capital account.

The EARL of CHICHESTER would not attempt to follow the noble Earl in explaining the supposed discrepancies in the accounts, which, however, he was prepared to show, were quite accurate, and capable of satisfactory explanation. He was quite willing that the House should comply with the latter part of the Motion, but as to the former part, the arrangement of that information would occupy so much time that he doubted very much whether it would be ready before the end of the present Session; and on the 5th October, when the next report of the Commissioners would be presented, the returns would be not only more complete, but, he had no doubt, satisfactory to the noble Earl. With regard to the object of the noble Earl, he perfectly agreed with him that the public ought to be put in possession of a fuller statement of the expenditure and receipts of the Ecclesiastical Commissioners. The accounts in the reports were merely cash accounts, and did not profess to give that kind of balance sheet required by the noble Earl. It should be borne in mind that, for some years past, a large portion of the annual expenditure was from capital. The Act which empowered the Commissioners to borrow 600,000*l.* from Queen Anne's Bounty, was passed for the express purpose to make annual grants in aid of poor districts out of that capital sum, until, by the falling in of leases, and the general improvement of the Church estates, the revenue became sufficient to bear these charges. He thought the information required by the noble Earl quite reasonable and proper, and had no doubt that the whole of it would be given in the next report of the Commissioners.

The EARL of POWIS, after what had fallen from the noble Earl, was content to wait till the beginning of the next Session, when another report of the Commissioners would be before them, for the bulk of the returns he had moved for, and would now confine his Motion to the last two on the list.

Motion, as amended, *agreed to.*

INDIA.

The EARL of ALBEMARLE *presented* a petition from inhabitants of Bristol, praying that the permanent legislation for the future government of India may be postponed until the inquiries before the Committees of both Houses of Parliament shall have been completed. His Lordship said, it was not necessary that he should enter into the grievances which had been alleged as a reason for postponing legislation on this subject. It was admitted by every one that justice had been maladministered—that public works had been neglected—that the police were insufficient—that the public debt had increased, and that the revenue had been diminishing. To one point only he would call their Lordships' attention as a reason for postponing legislation this year, and that was to the question of the material condition of the people of India, and the necessity for inquiry whether the East India Company had performed that most important duty of all Governments—to take due care of the prosperity and welfare of the people. On that subject, though the petitions from India had stated specifically numerous heavy grievances by which their material prosperity had been affected, and though a mass of evidence in various publications had been adduced in support of their complaints, they had not one official document of any sort to disprove or confirm any of the statements made in those petitions. There was a statistical department, and that department cost the East India Company 3,266*l.* a year, being one-twenty-eighth more than a similar department in the Home Office; and yet there was not one document which had proceeded from that office to enable Parliament to understand what really was the material condition of the people of India. In the next place, there had been laid before the Committees of both Houses of Parliament documents amounting to 4,300 folio pages, without one word to give any clue as to the actual condition of the people of India. In that laboured apology for the East India Company, known by the name of the *History of the East India Company*, not one argument was stated on this subject. All that had been attempted anywhere—and particularly in that apology, which common rumour said was concocted in Leadenhall-street—had been to say that the people of India were not worse off than they were under our predecessors in the East—in other words, that we were content to place our civilisation on a par with the barbarism of Northern Asia, as represented by the Mahomedan conquerors of India; that we, the Christians of the nineteenth century, were content to say that we had not handled our subjects more harshly than the Mahomedans of the sixteenth century. But he believed it would be found that we could not afford to be measured even by that low standard. He believed that in many instances our treatment of the people was worse than that of the Mogul conquerors of India. He believed that the land tax was higher—he knew that it was much more rigorously exacted, and more in violation of the feelings of the people of India, than by the Moguls who preceded us. Again, the salt tax was four times what it was under their rule; but he would not trouble their Lordships with details. He thought this question one of the most important that could occupy the attention of the Government, and that was quite sufficient in his mind to bear out the prayer of the petition to postpone legislation, unless the measure of the Government, to be brought forward to-morrow, was very different from what he feared it would turn out to be—because giving his noble Friends in the Government the fullest credit, admiring as he did their administrative talents, he could not conceive how, during the short time they had been in office, they could have prepared a Bill sufficient to meet the material and important interests involved in this question.

Petition *referred* to the Select Committee on the Government of Indian Territories.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, June 2, 1853.

MINUTES.] NEW MEMBER SWORN.—For Clitheroe, John Thomas Walshman Aspinall, Esq.
PUBLIC BILL.—2° Bankruptcy (Scotland).

DISFRANCHISEMENT OF ELECTORS IN DOCKYARDS.

MR. MASTERS SMITH said, he begged to ask the noble Lord the Member for London, whether he had any intention of introducing, during the present Session of Parliament, any measure for the disfranchisement of the electors in Her Majesty's dockyards?

LORD JOHN RUSSELL: The notice which I gave of introducing a Bill for disfranchising persons employed in the dockyards was in consequence of the Report of the Chatham Election Committee, for it seemed unreasonable to withhold the writ from Chatham without either bringing in a measure for disfranchising the dockyards, or else some Bill for preventing the exercise of undue influence upon persons employed in those places. But after I gave notice, it appeared that the measure would be one that would meet with considerable opposition, or that, at all events, would occasion a great deal of discussion, and that being the case, I do not think it would be desirable to interrupt business of great importance by a measure of this description. When the general question of the reform of the representation of the people comes before Parliament, it may be considered whether it would be possible to bring in some measure for the protection of dockyard voters, or whether they ought to be disfranchised. I do not, however, intend during the present Session, to introduce any measure upon that subject, and therefore I shall not offer any opposition to the issue of a new writ for the borough of Chatham.

INCOME TAX BILL.

On the Motion that the House resolve itself into Committee on the Income Tax Bill,

MR. FRESHFIELD said, he must appeal to the right hon. Chancellor of the Exchequer to reconsider his determination, and to allow lands and houses to be assessed to the tax upon their net, and not upon thir gross, value.

The CHANCELLOR OF THE EXCHEQUER said, he could not undertake to comply with the request of the hon. Member. The House had had fully in its view the whole of this question during the debates on the income tax. It had been well understood at the outset of those debates that the mode in which lands and houses were valued at the present moment, unquestionably imposed on the classes charged for income tax under Schedule A a tax higher than 7*d.* in the pound; and it had been deliberately considered by the House whether it would be desirable to re-enact the tax with that undoubted inequality, or whether, on the other hand, it would be better to open up the whole of the question involving the comparative claims of different interests. The House had come to a deliberate conclusion on the subject, on the Motion of the hon. Member for Hertfordshire (Sir E. B. Lytton), and afterwards on the Motion of the hon. Member for Lambeth (Mr. W. Williams). On both occasions the House had been of opinion that it would be better to retain the tax as it was; and that being so, he could not promise that the Government would now reopen so important a question.

House in Committee; Mr. Bouverie in the chair.

On Clause 9.

MR. FREWEN said, that he had an Amendment to move upon this clause, the object of which could be briefly explained. Under the existing law, seven Commissioners were elected both by the Commissioners of the land tax, and the magistrates in each division of a county, for the purpose of hearing appeals against the assessments to the income tax; and out of the whole seven Commissioners it was frequently difficult to get a sufficient number to attend for the purpose of transacting the business. Indeed, instances sometimes occurred, when only two Commissioners were present to decide appeals. To obviate this objection, therefore, he proposed that the magistrates of each division should be *ex officio* Commissioners of the property tax as well as Commissioners of land tax and assessed taxes, which latter offices magistrates filled at present. He would therefore beg to move, to add to the words of the clause designating the persons who should hold the office of Income Tax Commissioners, "and all Justices of the Peace for any county, riding, or parts or division of a county or liberty."

The CHANCELLOR OF THE EXCHEQUER said, it had been already understood that the Bill should be recommitted for the purpose of giving hon. Gentlemen who had proposed to introduce certain clauses with respect to Ireland a full opportunity of discussing them. He should therefore be brief on the present occasion; but he thought it would not be expedient to adopt this Amendment for several reasons. In the first place, it would be a very great innovation, and he doubted whether it would be any improvement upon the existing law. The law with respect to the Commissioners had hitherto proceeded upon the principle that the functions to be discharged by the general Commissioners of income tax, being of a delicate and confidential nature in many cases, ought not to be entrusted to the Land Tax Commissioners generally, but to a select body chosen from among them. Now, the hon. Gentleman proposed to depart from that principle, but without effectually changing the law so as to give his proposition a general application, for he restricted its application to a particular manner, and with reference to a particular class. He (the Chancellor of the Exchequer), had received many representations complaining of the unsatisfactory operation of the law connected with the present machinery; but he had heard of no instance in which the working of the Act had been found fault with through the defective number of Commissioners who attended to transact the business. Again, he was not prepared to assent to the doctrine that any person who was fit to be a county magistrate, was necessarily fit also to be entrusted with the functions of Income Tax Commissioner, and he thought it better to leave the appointment of these Commissioners to the Land Tax Commissioners generally, as the constituent body from whom they should be chosen. Another reason why the Amendment was objectionable was, that very great jealousies existed already in certain trading districts with respect to the mode in which the appeals were determined; and he was sure that these local jealousies would only be aggravated under this proposition. Believing, in short, that this Amendment would render the working of the Act more difficult, vexatious, and unsatisfactory than it was at present, he hoped that the Committee would reject it.

MR. FREWEN said that he believed his Amendment would effect a very necessary and desirable alteration in the rural districts in particular; but he would not press it if the sense of the Committee was against it.

Amendment *withdrawn;* Clause *agreed to.*

Clause 13 (Duties under Schedule A, in Ireland, to be assessed on rateable hereditaments, according to the valuations under the Poor Relief Acts.—On whom assessments to be made).

The CHANCELLOR OF THE EXCHEQUER said, he begged to call the attention of the Committee to an important alteration, or rather addition, which he now proposed to make upon the suggestion of an hon. Gentleman who had given notice of a proviso, and furnished him with a copy of it. The proviso of the hon. Gentleman (Mr. Seymour Fitzgerald) was to the effect that, whenever any lessor or landlord of lands in Ireland, subject to duty under Schedule A of this Act, shall have paid the duty chargeable by this Act in respect of any rent not received by him at the time of such payment, and which has been subsequently lost by reason of the bankruptcy, insolvency, or absconding of the tenant by whom such rent was payable, then, and in that case, it shall be lawful for the said lessor or landlord to deduct from and set off against the duties payable by him, in the year next following, the full amount of the duties paid by him in respect of the rent so lost. He (the Chancellor of the Exchequer) had prepared a clause based upon precisely the same principle, and designed to carry out the same object which the hon. Gentleman's Amendment had in view; although he thought it would be inconvenient to adopt the exact words of the hon. Gentleman, because the accounts of the tax collectors must be almost hopelessly complicated by the carrying forward of claims for abatement from half year to half year. His own proposition, therefore, was to the effect that if any landlord or lessor of any tenement or hereditament in Ireland, assesed under Schedule A, should have paid the amount of duty chargeable upon him, and it should afterwards be proved to the satisfaction of the Commissioners for Special Purposes that the rent due in respect of such tenement or hereditament, or any portion thereof, was wholly and irrecoverably lost, by reason of the bankruptcy, insolvency, or absconding of the tenant, he should be entitled to the repayment of the tax upon so much of his rent as was so lost, provided he made application for the same within six months. The principle he proposed to apply in this case was now systematically and habitually applied in England in reference to house property. In case of an absenting tenant, when it was shown that the goods of the tenant had been removed from the premises, and that the landlord had no means of recovering his rent, the custom and practice of the Revenue Board was not to exact the tax from the landlord, although, in point of law, he was liable to it. He had already stated the general reasons which had led the Government to think that on the whole the most just and effective mode would be to pass by the occupier, as far as regarded agricultural tenants, and as far as regarded small tenants. The general rule would be to go against the lessor or the rentowner for the tax.

MR. I. BUTT objected to the alterations proposed by the right hon. Gentleman, who proposed now to legislate for the owners of land in Ireland in a manner entirely different from the legislation adopted for the corresponding class in England. The right hon. Gentleman now proposed that it should be at the discretion of the Commissioners whether the tax should be assessed upon the landlord or the tenant. They might, and he was told by the Chancellor of the Exchequer they would, as a general rule, assess the landlord; therefore the Irish landowner must pay the income tax whether he received his rent or not; he must pay it in the greater number of instances before he received his income, in many instances upon income which he would never receive. In the case of the English landowner the tenant paid the tax in the first instance; he deducted it from his rent, so that the landlord only knew of the tax on a deduction from income actually received. In Ireland he must pay it in the first instance: this he would feel as an oppressive advance, and an advance on account of income that might never be paid; and they made this difference in favour of the landowner in England, where rents were punctually paid, and against the landowner in Ireland, where they were almost always in arrear. He (Mr. Butt) asked only that the Irish landowner should be placed in the same position as the English. In England he found the landlord was assessed in every case in which the holding was under the annual value of 10*l.* There might be a difference in the circumstances of the country; but he was certain he made ample allowance for all of these, if he substituted in Ireland a fifteen pound for a ten pound annual value. He, therefore, proposed that in Ireland, in all cases of a rating above 15*l.* the tenant should in the first instance be assessed; in all cases under 15*l.* the landlord. The farmer of a holding rated at 15*l.* was a man of a certain amount of independence—one from whom there would be no difficulty in collecting the tax, and one who would feel it no inconvenience to advance on account of his rent 7*s.* 6*d.* whenever he was called on. He thought this proposal would apply substantially the same rule to Ireland and England, would create no inconvenience in the collection of the revenue, and would impose no hardship upon the tenantry; and, on the other hand, would protect the proprietors from the most grievous oppression. Now, what was the proposal of the Chancellor of the Exchequer? To leave it in each case to the discretion of an exciseman whether he was to assess the tenant or to pass him by and assess his landlord! This was a discretion to be exercised in each individual case—not even to establish any general rule—not even to make any regulation for a district—but in the case of each particular estate, nay, of each particular tenant upon each estate, to determine at his own will and pleasure whether the tax was, in the first instance, to fall upon the tenant or upon the landlord! He (Mr. Butt) strongly protested against giving such a power to officials appointed by the Crown; he denounced it as utterly unconstitutional to leave it to any official of the Crown to determine from whom a tax should be levied. No Minister would dare to propose such a measure for England. Yet, in England, the officers administering the tax were to be appointed by local authorities; in Ireland, they were to be officers of excise—they gave no such power to the English officials. In Ireland they proposed to give it to excisemen, and yet they had argued the question of an Irish income tax as if the proposal was to extend the English income tax to Ireland. They now avowed the tax they inflicted on Ireland to be one different in every principle of its administration. He never could consent that the property of Ireland should be thus left at the mercy of the Excise. He must remind hon. Gentlemen who assumed to be the special guardians of the interests of the tenant, that if this was a landlord's question as to one class; as to another—and the largest class—it was a tenant's question too. The Chancellor of the Exchequer gave the tax collector the power, if he thought fit, of resorting to the tenants of small holdings, who in England never could be subject to the tax. In England, the tenant of a small holding was to be absolutely protected: in Ireland, only if the tax collector pleased. He (Mr. Butt) was not prepared to subject this class, at the caprice of the taxman, to all the inconveniences, and in their case the oppression, that would attend the collection of the tax. These were the class, and the only class, of tenants whom the collection of the tax could harass or oppress. He asked those who called themselves the friends of the tenants, were they prepared to vote this arbitrary power of extorting the tax from the lowest and the poorest occupier? He asked them to reflect in what cases this power would be exercised. Manifestly in the very cases in which it would be most oppressive. Whenever there was a difficulty in getting at the landlord, then the tenantry would be assessed. In the case of tenements in large towns, where the landlord might be unknown; in cases where the landlord was an absentee and beyond the reach of process; in cases where he was embarassed, and no mark for the tax; in the very cases in which you might expect a wretched tenantry—in all these cases the tax would be collected from them. The arrangement he proposed was infinitely better for the tenantry as a whole. Let the tenant be assessed in every case over 15*l.*, and in no case under it. If it protected the landlord in the one case, it protected the tenant in the other. It would apply substantially the same rule to England and Ireland; it would place the Irish landowner as to this tax, in nearly the same position as the English one; it would extend the same protection to the poorer tenantry in Ireland which the corresponding class in England enjoyed; and it would get rid of the insulting proposal of leaving it to an exciseman to regulate between Irish gentlemen and their tenants the mode of the collection of this tax.

Amendment proposed—

"In page 8, line 40, to leave out the words, 'shall be made upon the landlord or immediate lessor of such tenements or rateable hereditaments, or, if it shall appear to the Commissioners for Special Purposes to be necessary or proper, the said assessment shall be made upon such person as the rate for the relief of the Poor shall be made upon in respect of any such property, under the provisions of the Acts in that behalf,' in order to insert the words 'in every case in which the said annual value shall amount to fifteen pounds and upwards, shall be made upon such person as the rate for the relief of the Poor shall be made upon in respect of such property, under the provisions of the Acts in that behalf, and in all other cases upon the landlord or immediate lessor of such tenements or rateable hereditaments' instead thereof."

MR. FITZSTEPHEN FRENCH said, he must claim precedence for an Amendment, omitting the words "in Ireland" from the clause altogether. The result of it, as it stood now, would be, to render it incumbent on the landlord to demand his rent as soon as it became due, instead of leaving "the hanging gale" over, as was the practice in Ireland. He doubted if it would be advantageous to the tenant, whom it was intended to assist; but his chief objection to it was that it was a departure from the principle of identity of legislation. That principle was only insisted on when it was necessary to tax Ireland. It was exceedingly disheartening, when he was addressing a few observations to the Chancellor of the Exchequer, that the right hon. Gentleman should select that time for conversation with the hon. Member, though he supposed there was indeed but little use arguing the question. He asked the right hon. Gentleman, if it was advantageous to tax the landlords in the first instance, why he did not extend the principle to this country? He believed the object of the Bill was to force the landlords to drive out the small occupiers. It was one which had been sedulously persevered in by the party in power, and a great portion of the exodus which had taken place was the result. But that was not sufficient for them in their anxiety to get rid of the Catholic and Celtic population of Ireland, which was announced in the leading journal of Europe. In the justice of England he had no confidence, unless it was identical with her interest, and they could only obtain that identity in Ireland by refusing to accept any legislation which was not identical with that by which the interests of England were preserved and governed.

MR. MAGUIRE said, he objected to the clause, and he wished to know whether it would not be just as easy to come on the landlord of the occupier of 15*l.* a year, as on the landlord of the occupier of 10*l.* a year? It was as easy to get at the landlord of the tenant of a house, as at the landlord of a tenant of land. If it was just to except the humbler classes of tenants in England, the circumstances of Ireland rendered the same class in Ireland even more deserving of consideration.

MR. EVELYN DENISON said, he thought the reason given by the hon. Member for Roscommon (Mr. French) for the Motion he had submitted, was the most extraordinary he had ever heard. The hon. Member entirely distrusted and had no confidence in the justice of England, and said the only thing he could place any confidence in was identity of taxation in Ireland with England; whereupon, to carry out this identity of taxation, he proposed to omit the words "in Ireland" from the clause.

MR. FITZSTEPHEN FRENCH said, the hon. Member for Malton had not the plea of inexperience for mis-stating or misrepresenting what fell from any other hon. Gentleman. In proposing the omission of the words alluded to, his (Mr. French's) object was to render the clause applicable to the United Kingdom. He had no desire to exempt Ireland from the operation of the Bill, but he did wish to make the clause a general one.

MR. F. SCULLY said, the proposition of the hon. and learned Member for Youghal (Mr. I. Butt) was one of which he could not approve. He did not see the justice of asking the tenant, and particularly the Irish tenant, to pay for his landlord. From the census and agricultural returns of 1851, it appeared that the number of small occupiers in that year was nearly 500,000; whereas the number of occupying tenants who had holdings to the extent of 200 acres, who would come under the operation of this Bill, would not amount to more than 7,000 or 8,000. From the statement of the Chancellor of the Exchequer on previous occasions, he found that this Bill, and this clause in particular, was altered with the sole object of putting the tax upon the landlord, in the first instance, and he was of opinion that it would be better to leave the clause as it stood.

MR. KIRK said, he was very much obliged to the Chancellor of the Exchequer for the alteration he had introduced into this clause, by which the injustice originally contemplated was remedied. He should decidedly oppose the Motion of the hon. and learned Member for Youghal, and would cordially support the clause as amended.

Mr. LUCAS said, he also felt obliged to the right hon. Gentleman the Chancellor of the Exchequer in the main, for the clause he had introduced; but he wished to ask one question with reference to its operation, which he did not perfectly understand. The object of the clause, so far as he could understand it, was to exempt the occupier, in all cases in which it was not necessary for the purposes of raising the tax, from paying the landlord's share. It was, however, left to the discretion of the Commissioners as to what cases should not be exempted; and he wished to know upon what grounds the Commissioners were to regulate these exemptions?

The CHANCELLOR of the EXCHEQUER said, the hon. Gentleman had stated very fairly and properly the object of the clause, subject to the single reservation of the case of occupiers of messuages of a certain value. The case of occupiers of messuages was materially different from that of occupiers of land. In regard to messuages, a different standard was fixed by the poor-law rating in towns as to the point at which the occupier became exempt, and the landlord became liable to assessment, and he had reserved under this Bill those cases which might require some consideration from peculiar circumstances, in particular localities, in regard to the point at which the tax ought to be taken from the occupier. There was certainly a class of tenants in messuages in whose cases the tax ought to be taken from the occupiers; but in regard to lands he did not think it would be safe to take the tax from the occupier, and the occupier only, because the Government might often have great difficulty in getting at the other party. But the case did not lie between the occupier on the one side, and the head landlord on the other. The person whom the Bill proposed to substitute for the occupier was not the head landlord, but the immediate lessor; and as the immediate lessor was a person whom they might often have great difficulty in reaching, this reservation was made to which the hon. Gentleman had called attention.

Mr. MAGUIRE said, he wished for some further explanation with regard to towns, and would like to know when the right hon. Gentleman would be prepared to say what class of occupiers were to be exempt?

The CHANCELLOR of the EXCHEQUER said, that, from the nature of the circumstances, it was impossible to arrive at any definite test generally applicable. Whether the landlord or the tenant would be assessed, must be left in many cases to the Commissioners to decide, though he believed the most practicable mode would be to assess the occupier.

Mr. MAGUIRE said, he would beg to impress upon the right hon. Gentleman the fact that there was scarcely an occupier rated to the poor, from 8*l.*, 10*l.*, to 15*l.* in Ireland, to whom the payment of the tax in the first instance would not be a great and harassing burden.

Colonel GREVILLE said, that rents in Ireland were paid in many parts of the country but once a year, and, therefore, in many instances, they would be making the landlords pay upon incomeswhich they had not received.

Mr. FITZSTEPHEN FRENCH said, he would withdraw his Amendment.

Mr. I. BUTT said, that the new clause proposed by the Chancellor of the Exchequer would leave it in all cases to the discretion of the taxing officers whether they would assess the tenant or the landlord. Now, according to the English law, the tenant must be assessed if his rent were over 10*l.*, but could in no case be assessed if it were under that sum. The object of his Amendment was to take away all discretion from the Government officers, and to enact that the tenant in Ireland should be assessed in all cases where his rent was above 15*l.*, and that he should never be assessed when it was under that sum.

Mr. M'MAHON said, he hoped that the Chancellor of the Exchequer would resist the Amendment, for there was high authority to show that the landlord ought to pay all the taxes to which the land was liable.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 170; Noes 61: Majority 109.

Mr. CAIRNS said, he believed the Amendment he now begged to propose would alleviate a great hardship in the mode of assessment proposed by the right hon. Chancellor of the Exchequer, without diminishing the amount received under the tax, or without altering the persons upon whom the burden was to be imposed. The Chancellor of the Exchequer had on a former evening stated that the tax was to be paid irrespective of the receipt of rent, because, as the owner of the rent was armed by the law with sufficient power to recover it, it was to be attributed to his own fault if he did not. If that answer had been given by a person conversant with the state of the relations between landlord and tenant in Ireland, he should have been entitled to characterise it as a bold and inconsiderate statement. But he acquitted the right hon. Gentleman of any other error than that of looking to the theory of the matter rather than to the practice in Ireland. He proposed, instead of assuming that every landowner in Ireland could recover his rent on the day on which it was due, to enact that if any owner of land in Ireland thought it would be an unsafe thing for him to pay his tax in advance, he should be allowed to state his unwillingness to do so in twenty days after the assessment had been delivered, and to offer to give a return of the actual receipts of the year last past; and that he should then pay upon those actual receipts, from which no deduction should be made, except for the half of the poor-rate, which the landlord in Ireland was obliged to pay. The Chancellor of the Exchequer said, indeed, that this was met by subsequent clauses, which enabled the landlord to demand a return of the tax if the rent was not paid within six months after it was due, and the tenant was bankrupt, insolvent, or had absconded. But was he not aware that no tenant in Ireland expected to be asked for his rent until six months after it was due? The result of the proposed clauses as they now stood would be to inflict the greatest evil upon the occupiers of land, by making it a matter of the greatest importance to the landlord to enforce the rent as soon as possible, and to take the most stringent means to ascertain whether the tenant could pay, in order that he might either recover his rent, or satisfy the Commissioners that it was irrecoverable. Then how was it to be determined whether a small tenant in Ireland was bankrupt or insolvent? These words were a mere mockery, as applied to that class of persons. As for a tenant "absconding," every one knew that the great annoyance in the management of landed property in Ireland was, that the tenants would not abscond. They stayed in possession, and would neither pay their rent nor leave the land. Under these circumstances he thought that the proposition made by the Chancellor of the Exchequer on this point was quite illusory, and it was on these grounds he had brought the Amendment forward, not from any personal interest, but from a wish of exempting a class of persons from a hardship which seemed to him gratuitous and unnecessary.

Amendment proposed—

"To add at the end of the Clause, the words 'Provided always, That any landlord or immediate lessor of any tenements or hereditaments in Ireland, charged with Duties under Schedule A of this Act, may, within twenty days after notice of such charge, by writing under the hand of himself or his agent, delivered to the officer making such charge, elect to be assessed in respect of such tenements or hereditaments upon his actual receipts, and thereupon the Duties shall be charged on such landlord or immediate lessor, computed on a sum not less than the amount actually received by him in respect of such tenements and hereditaments, within the year ending on the preceding fifth day of April.'"

The CHANCELLOR OF THE EXCHEQUER said, that the hon. Gentleman who had just sat down had handled the concession which he proposed to make in a different way from his hon. Friends on the lower benches. He must say that the concession was not made to the necessity of the case, but was owing rather to the indulgence with which he desired to deal with the case, and with some recollection in his mind of the disposition which existed amongst the great bulk of the Members of that House to meet the demands that were advanced by Irish Members. With respect to the Amendment which he proposed to make in regard to bankrupt and absconding tenants in Ireland, he did not hesitate to express his apprehensions that Gentlemen connected with land in England would complain of his making such concessions in favour of the Irish landlords, and would ask to be placed on the same footing. [An Hon. MEMBER: Give us the same law as you have in England.] All he could say was, that a great number of Irish Members had made representations to the Government that valuation should be the basis of those proceedings. [An Hon. MEMBER of the Opposition: Not on this side.] The hon. Gentleman should know the rules of the House better than to make those interruptions. And a provision was introduced in the Bill to enable those persons who found they were aggrieved by the valuation, to show that the annual value was less than the valuation. That was a provision to which there was nothing analogous in England. The hon. Gentleman (Mr. Cairns) said the concession with respect to bankrupt and absconding tenants was illusory. He did not think it would be thought illusory if it were proposed with respect to Ireland; but with regard to Ireland every concession appeared to be thought illusory by some Gentlemen. He now came to consider the proposal of the hon. Gentleman opposite, and he had never known a proposal made to that House during the discussion on the income tax which appeared to him to be open to more fundamental objections. If there were any evil greater than another, it was that which was called self-assessment. If there was one reason more than another which disinclined people to the income tax, it was because they could not get rid of that tremendous evil of the income tax, self-assessment. At the commencement, when self-assessment was generally resorted to, they only levied one-half of the amount which the tax might have given. They had now got rid of it except in Schedule D; but here was an hon. Gentleman proposing to introduce it into Schedule A, thereby leading to fraud and demoralisation in every form, and introducing a most invidious feature, because it would not apply to the owners of land universally, but merely to the owners of land in Ireland. But suppose the hon. Gentleman had proposed it universally; let it not be thought that on that ground it would meet with a favourable reception from him. He would say, on the contrary, that having found a certain mode of levying the tax mischievous in every way, from the fraud it produced, they were not going to adopt that mode of levying that tax again. The hon. Gentleman had objected to the measure as being likely to inflict hardship upon the occupier of land by causing him to be called upon for punctual payment of his rent; but if it had that effect, he could only say that it would, in his opinion, place the relation between landlord and tenant on a better footing, and, so far from considering that an objection, he thought it an argument much in favour of the measure. The hon. Gentleman complained that the landlord sometimes did not receive his rent, and yet had to pay the tax; but he would ask him if it did not sometimes happen that a tradesman made bad debts, and yet had to pay the tax; and why should the landlord be placed on a different footing from the tradesman? The hon. Gentleman said there was a hanging gale in Ireland; but was there no such analogous thing in England? Of course there was. But the question was, were the necessary expenses of the State to be raised by a tax which should be a primary charge upon the man's income, or was it a charge that must be postponed until every local and personal demand was fully satisfied? The hon. Gentleman spoke as if the system of arrears in Ireland was a very good system; but he (the Chancellor of the Exchequer) conceived that if this proposition tended to the punctual levying of rent, so far from considering it an objection to the clause, it should be deemed a recommendation of it; for nothing was so mischievous to the tenant as that system of long arrears. The principle they proceeded on was this, that a year's rent was received during the year; and he protested against the Amendment, as aiming at the establishment of a system entirely exceptional in favour of a particular class, and tending to bring them back into all the worst abuses that had ever prevailed in the system. The hon. Gentleman proposed by his Amendment to deduct any sum paid by the lessor during the year for poor-rate of such hereditaments or tenements; but the landlord did not pay the poor-rate—

MR. CAIRNS: He pays one half of it.

The CHANCELLOR OF THE EXCHEQUER: Is it not paid in the first instance by the tenant?

MR. CAIRNS: It is taken from the tenant in the first instance, but he only deducts one-half from the landlord.

The CHANCELLOR OF THE EXCHEQUER: The tenant paid it in the first instance, and the landlord did not receive it. He was to be charged on what he actually received; but the hon. Gentleman proposed that the landlord should deduct the amount of the poor-rate which he had never received. Suppose the landlord had 1,100*l.* a year, the sum payable for poor-rate was 100*l.*, the landlord therefore got 1,000*l.*; but he said he was not to be taxed upon 1,000*l.*, but should deduct the poor-rate which had been already deducted. He protested against an Amendment of such a character, which aimed at the establishment of a system tending to introduce all the evils which had ever attended the operation of the tax. He would oppose the proviso on the broad ground that it introduced, without any necessity, the obnoxious principle of self-assessment, and that in a form much more objectionable and exceptional than any in which it had before existed.

SIR ARTHUR BROOKE thought it was hopeless to expect any justice from that House, so far as Irish proprietors were concerned, after the vote that had taken place upon the Motion of the hon. and learned Member for Youghal (Mr. I. Butt), which had been opposed by a very large majority of English Members. He considered that the income tax ought to be levied upon the ordinary valuation of property, and not upon the poor-law valuation, which was most defective and unsatisfactory. He should support the Amendment, because he believed that a fairer proposition had never been presented to the House. The measure of the right hon. Gentleman the Chancellor of the Exchequer might be satisfactory to some of his supporters below the gangway, the Brigade; but if he appealed to the Irish Members on (Sir A. Brooke's) side of the House, they would give an opinion very adverse to it.

Mr. F. SCULLY said, he should support the measure as an independent Member of the House, and he thanked the right hon. Gentleman for the alteration he had made; and if he had no other reason for thanking him, he would do so on the ground that the measure was objected to by the hon. Gentleman opposite. As the clause stood at present, landlords would have to pay the income tax whether they received their rents or not, and he thought the proviso would have the effect of inducing landlords to reduce their rents, which would, in that event, be more punctually paid. He might remark, that landlords would be called upon to pay the income tax in March, or April, while they would not, in many cases, receive the rents upon which the tax was paid until the months of November or December following, and he thought, therefore, it might be arranged that the Commissioners should not apply for the tax until the period of the year when the rents were paid.

Mr. H. HERBERT said, that, though opposed to the clause as it stood, he was inclined to make every possible allowance for any misappreciation of the state of Irish property which his right hon. Friend the Chancellor of the Exchequer had been guilty of. He confessed, however, the right hon. Gentleman did not seem to show himself so practically acquainted with the management of Irish estates as it was to be wished; for when he attempted to draw an analogy betwen the circumstances of English and Irish property, he fell into an error, which very much depreciated the estimate to be formed of his plan. He regarded the proposal of the hon. Member for Belfast (Mr. Cairns), to be a necessary corollary to the imposition of the income tax upon Ireland. For the fact was, there was no such thing as a half-yearly collection of rents in Ireland; they were collected just as one could get them, all the year round. Neither was there any such thing as audit days, as was the case in England; and instead of 2½ per cent, Irish proprietors had to pay their agents 5 per cent upon the rents coming in; while in this country and in Scotland, agents received the lesser remuneration. [The Chancellor of the Exchequer dissented.] He (Mr. Herbert) could speak from experience, for he knew many properties in Scotland where the agents only received 2½ per cent. Nor had hon. Gentlemen any clear idea of what was meant by "absconding tenants" in Ireland. That term did not imply tenants who ran away. [*Laughter.*] His words might produce a smile, but still such was the case; for the term rather applied to such occupants of land as removed all their produce and cattle from off the farm, leaving some one in occupation who was utterly unable to meet the demands of the landlord. He therefore believed the Amendment to be quite just and fair, and should accordingly support it.

Mr. NAPIER said, he believed that in dealing with Ireland their purpose ought to be to look rather to the collateral, than to the direct, effect of any particular measure. He could not help feeling that it was rather an Irish practice to charge income tax upon incomes never received. Nor was it, he must say, a case of self-assessment at all—the proposition of his hon. Friend (Mr. Cairns), was in noways open to any such objection.

Mr. FORTESCUE said, that having supported the proposition that was favourable to the tenant, and having now to deal with a question which had reference solely to the interest of the landlord, he should from a sense of justice and equity of the case give his vote for the proposal of the hon. Member for Belfast.

Mr. MACARTNEY said, that in Ireland three-fourths of the rents did not exceed 12*l.*, while in England only one-fifteenth was under 12*l.*; and therefore it was not right to take England as an example when laying down a principle for the collection of this tax in Ireland. He would beg to call the attention of the House to a case where an estate being in the Court of Chancery, the tenant did not pay the rent until two years were due; and he would ask how, in such a case, the tax was to be levied? Was it to be demanded from the Court of Chancery, where there were no funds to the credit of the estate, or was it from the estate it was to be levied? At the end of eighteen months or two years, a tenant might come before the Court to ask for a reduction of rent, and the rent might be reduced while the tax was levied on the high rent. That would be the case with a number of estates in Ireland at the present moment; and in other cases, the rent days in the south being the 25th of March, and 29th of September, and in the north the 1st of May and 1st of November, it would be found very difficult to levy the rate on the 5th of April.

SIR DENHAM NORREYS said, that when he voted for an income tax, he voted for a tax that was to be imposed on every man's income, which he conceived to be the average amount of receipts; but to tax it upon the hypothesis of what that property might be would be a grievous injustice.

LORD NAAS said, that the English landlord merely paid the income tax on his actual receipts; and the object of this Amendment was to enable the Irish landlord to pay only as much in respect of his income as the English landlord paid in regard to his, and no more. Independent of the inconvenience of the tax, he believed that the proposition of the right hon. Gentleman the Chancellor of the Exchequer would have a very severe and harsh effect on the Irish landlords. He thought the Members of that House who set themselves up to be the true friends of the Irish tenantry were perhaps inflicting as great a hardship upon that class as was ever inflicted upon them by the original Irish Poor Law Act, which had led to such disastrous consequences.

VISCOUNT PALMERSTON said, his hon. Friend behind him (Mr. H. Herbert) had intimated that his (Viscount Palmerston's) right hon. Friend (the Chancellor of the Exchequer) was not deeply acquainted with the management of land in Ireland; but the noble Lord who had just addressed the House had shown himself very imperfectly acquainted with the details of land in England. The noble Lord had stated that in England landlords paid income tax only on the rent they received. The fact was, that in England each tenant paid the landlord's income tax upon the rent which the tenant was bound to pay, deducting such tax when he came to settle with the landlord; but it did not follow that the landlord received the rent. The landlord had to get the rent as he could, and when he could. In England the landlord paid the tax only on what he ought to receive, but it did not follow that he did receive it. Moreover, if the tenant absconded, he meant in the English sense of the word, without paying the landlord's tax, the landlord must pay the tax on the whole of the rent of the absconding tenant, and even if he should lose his rent.

MR. CAIRNS said, in reply, he would take the case of a landlord in Ireland, with five tenants, who had to pay him 100*l.* a year each; and he would assume a landlord similarly situated in England. What was the difference between them? In England, the landlord paid no income tax till he got his rent, and if he did not get his rent he had not a shilling to pay. [*Cries of* "No, no!"] In the case of the Irish landlord he would be called upon to pay the tax in the first instance, and if he did not get his rent he would be out of pocket to the amount of the tax he had paid.

MR. J. BALL said, he thought the hon. Member had forgotten that, by the Bill as it now stood, the Irish landlord had the alternative of being assessed on the net annual value as fixed by the public valuation, or on his actual rent; and the knew that the valuation was generally below the rent. [*Cries of* "No, no!"] He meant, with certain exceptions. It seemed to him that the justice of the case was fully and far more satisfactorily met by the Amendment on the paper of the hon. Member for Horsham (Mr. Seymour Fitzgerald), which did not interfere with any of the essential provisions of the Bill as applicable to Ireland, whilst it provided for the case of a landlord making a bad debt.

COLONEL DUNNE said, the Bill was unjust throughout; it began by taxing Ireland in a higher proportion than this country was taxed; and this injustice was carried out. It was well known that in some cases landlords never got any rent at all; and they would be in a worse position after this Bill passed, as it would make the country poorer. He should support the Amendment, believing it would tend to mitigate the injustice of the measure.

Question put, "That those words be here added."

The Committee *divided*:—Ayes 66: Noes 94: Majority 28.

Clause *agreed to.*

Clause 15.

MR. I. BUTT said, he must remind the right hon. Gentleman the Chancellor of the Exchequer that there was no such person as surveyor of taxes in Ireland, and he therefore could not understand why such an officer should be mentioned in the clause. He also wished to call attention to the variation of the wording of the clause with that of Clause 18. As some difficulties were likely to arise from these circumstances if the measure was passed in its present shape, he would reserve to himself the right, upon the bringing up of the Report, of framing a clause that would obviate those difficulties.

The CHANCELLOR OF THE EXCHEQUER said, when officers were appointed for collecting the tax in Ireland, the officers of excise might be made available in some cases; but these were matters of detail which must necessarily be deferred.

MR. I. BUTT said, he still thought there would be extreme difficulty in carrying out the clause. The 18th clause provided that the assessment under Schedule D should be made by the officers of inland revenue; but that provision did not extend to Schedule A. He therefore thought an additional clause would be necessary either on bringing up the Report, or on the third reading.

Clause *agreed to.*

Clause 16.

MR. FITZSTEPHEN FRENCH said, he wished to call the attention of the Committee to the power proposed to be given under this clause. The Chancellor of the Exchequer proposed that the collector shall be authorised to put in force against the landlord or lessor the most stringent remedy for the recovery of the tax. Now, one of the extraordinary powers given for the recovery of poor-rates in Ireland had been the sale of the fee of the land. He asked the right hon. Gentleman whether it was his intention to give the same power under this Bill for the recovery of this tax? He thought that such a power would be most unconstitutional.

MR. H. HERBERT said, that, under the poor-law, power was given to sell the land of a proprietor for a debt contracted by a tenant who had fled to America, or any other place. He wished to ask whether the right hon. Gentleman proposed to give a similar power under this Bill—namely, to sell the property of the landlord for income tax upon an amount of rent which he never received; and whether a power existed in England to resort to a sale under similar circumstances?

The CHANCELLOR OF THE EXCHEQUER: The sole object of the clause is to provide an easy remedy. [*A loud laugh from Col. Dunne.*] The hon. and gallant Colonel may adopt any mode of proceeding which he pleases in this House. I have seen quite enough of the insulting manner in which he conducts himself not to be moved by it. ["Hear, hear!" *and* "No!"] I must say I think the loud laugh with which he has received my statement was insulting.

The CHAIRMAN: I think the right hon. Gentleman will see that this is an expression which he ought not to use.

The CHANCELLOR OF THE EXCHEQUER: Oh, I will withdraw it readily; but I must insist on being protected against such a course of proceeding.

COLONEL DUNNE said, that his laugh was not directed against the right hon. Gentleman, but was in consequence of an observation made to him by an hon. Member near him.

The CHANCELLOR OF THE EXCHEQUER: I beg the hon. and gallant Member's pardon. It will be for the Committee to consider the best course of proceeding. It may be that the remedies provided by the poor-law are the best; but that is a practical question, and one for the Committee to consider.

LORD NAAS said, it was most difficult to ascertain what those powers really were which the Bill proposed to give; for it referred to one particular Act, and when they turned to that Act they were again referred to another Act for an elucidation of its meaning. He would suggest that the power of recovering arrears should be the same as was given in the first poor-law passed for Ireland.

SIR JOHN YOUNG said, that in England the corpus of the estate could not be sold for arrears of poor-rate; in Ireland it was different, for, by a process of law, the estate itself might be reached. He did not think the Amendment of the noble Lord would give a sufficient remedy, as the original poor-law was very defective in this respect. Under the first poor-law the greatest losses were sustained in seeking to recover the poor-rate from the immediate lessor. His right hon. Friend the Chancellor of the Exchequer had no intention to give power for the sale of the estate itself, in order to recover this tax, but merely to give power of proceeding in the Civil Bill Court against the lessor.

MR. NAPIER said, he thought the better way would be for the Chancellor of the Exchequer to hold this clause over for further consideration. He would suggest an alteration in the early part of the clause, where the occupier who was charged with the tax was liable to a distress for the recovery of the amount; for, supposing that this party had nothing to be distrained, there appeared to be no alternative proposed as against him. He was of opinion that the whole of the clause ought to be well considered.

SIR ROBERT FERGUSON said, that the powers given under the Land Improvement Act for the levying of instalments had been found to work most efficiently. The sums levied had been paid very regularly, and he hoped the Chancellor of the Exchequer would consider whether similar powers might not be put in force with advantage under this Act.

COLONEL DUNNE said, as he understood the right hon. Gentleman, the powers to be granted to Ireland were to exceed those which were in operation in England.

MR. G. A. HAMILTON said, he concurred with the hon. Member for Londonderry (Sir R. Ferguson) in the opinion that the powers given under the Land Improvement Act had operated efficiently in Ireland; and if that were the case, it might perhaps be a saving of expense to adopt them in the present instance.

MR. GROGAN said, he thought that however efficient the machinery under the Land Improvement Act had worked, it would be preferable to extend to Ireland the system which had been found to work so well in this country.

Clause *agreed to;* as were also the remaining clauses.

The CHANCELLOR OF THE EXCHEQUER said, he had now to bring up several new clauses. The first was one to which he had referred early in the evening, and which was in substitution of the one proposed by the hon. Member for Horsham (Mr. Seymour Fitzgerald). It entitled landlords in Ireland to claim repayment of the tax paid on rent lost by the bankruptcy, insolvency, or absconding of tenants; and he had added the words "by the land being left waste."

MR. SPOONER said, he did not mean to oppose the clause, but merely to say that its principle was the same as the proposition he had made that landlords should not be called on to pay income tax on rent which they had never received. The right hon. Gentleman had opposed that proposition, and he wished to call his attention to his having adopted the principle; and he now asked him to extend it to all land.

The CHANCELLOR OF THE EXCHEQUER said, it was refreshing to him to be found fault with for having dealt more kindly with English than with Irish landlords, for hitherto he had heard of nothing but the immunities enjoyed by English over Irish landlords. This was, no doubt, an advantage the Irish landlords possessed over the English, who only enjoyed the right as regarded houses. There was, however, some inconvenience in levying the tax in the same form in Ireland as in England; and considering that the Irish landlords were made primarily liable to the tax, he thought, on the whole, that there was a balance of advantage.

MR. G. M. BUTT said, he would suggest that there should be some definition of the word "insolvency," so as to make it include cases of assignments to creditors and deeds of composition.

The CHANCELLOR OF THE EXCHEQUER said, he was assured by the legal adviser of the Board of Revenue that the word would bear that legal sense; but he would look into the matter again before the third reading.

Clause *agreed to.*

The CHANCELLOR OF THE EXCHEQUER: The next clause had been suggested by some observations made during the discussion on the Bill. It amended the position of parties with regard to the assessments in Schedule A. If on an appeal there was any dispute about the annual value of the land, the Commissioners now had power to order a valuation; and this clause was for the purpose of extending that advantage to the parties appealing, who would be enabled to require a valuation to be made; which power they did not hitherto have.

Clause *agreed to.*

The CHANCELLOR OF THE EXCHEQUER: The next clause had been suggested by the noble Lord the Member for Northumberland (Lord Lovaine), and referred to the description of relief given two years ago under the 3rd section of 13 & 14 *Vict.*, c. 12, which allowed tenant farmers who gained their livelihood solely by husbandry to have the power of a half-yearly appeal. It was proposed to extend that relief by making it applicable to tenant farmers who gained their livelihood "principally" by husbandry; but it was to be confined strictly to tenant farmers, and not to persons farming their own land.

Clause *agreed to.*

The CHANCELLOR OF THE EXCHEQUER: The next clause had been prepared in consequence of a suggestion of the hon. Member for Meath (Mr. Lucas), and enabled clergymen and ministers of every denomination to deduct from their assessable income charges incurred in the exercise of their professional duty. It did not exempt them as clergymen, but only put them on a footing of equality with other professions. For instance, a medical man, if he used an equipage, was entitled, as a matter of course, to deduct the expense of it from his assessable income; and, in the same manner, a clergyman who used a horse wholly and exclusively in the discharge of his professional duties, would be entitled to deduct the expense attending it.

Clause *agreed to.*

The CHANCELLOR OF THE EXCHEQUER: There was one other clause, one which had been suggested by the hon. Member for Newcastle-upon-Tyne (Mr. Blackett), and it was intended to enlarge the power of deduction with regard to bad and doubtful debts. At present, the Commissioners had no power to make allowance for bad debts, except those which were proved to be such; and although it seemed to be, in some degree, doubtful whether they had the power of allowing for debts proved to be partially bad, yet, on the whole, he believed that a more rigid interpretation had prevailed than was altogether consistent with fairness. The effect of this new clause would be to allow the Commissioners, in cases of composition, to put down as good whatever the composition amounted to; in cases of bankruptcy to allow them to put down the whole as bad, and to charge the party afterwards upon the dividends when received; and in cases of doubtful debts to allow them to make a reasonable estimate of their value.

Clause *agreed to.*

MR. M'MAHON moved a clause to the effect as to the propriety of exempting a certain portion of a person's household furniture and wearing apparel from seizure.

The CHANCELLOR OF THE EXCHEQUER said, it would be impossible to introduce the clause proposed into the Bill. The question to be considered was, whether the claim of the State was a primary or a secondary one. The doctrine of the law was, that the claims of the Crown were paramount; and, indeed, the existence of law and order, which could only be maintained by means of the public revenues, might almost be reckoned amongst a man's implements of trade. The proposal of the hon. Gentleman, however, would place those claims in a position of inferiority as compared with those of the landlord. The proposal was certainly humane and philanthropic in its character, but its adoption would be impolitic and unwise.

Clause *withdrawn.*

MR. I. BUTT then brought up a new clause. He said, by the present law, if there were any defalcation it must be made good by a reassessment of the district. That provision was just, inasmuch as the collector was in the hands of the local authorities; but in Ireland the fact was the reverse, and to apply the same enactment would be manifestly unjust. The object of the clause, therefore, was to prevent its application to the sister country.

Clause *agreed to.*

MR. I. BUTT then proposed a second new clause, the object of which was to allow the Irish landlords to deduct the amount they paid for poor-rates from the income to be assessed. There was this difference in the cases of the two countries: in England the rates were paid entirely by the tenant, but in Ireland the landlord was compelled by law to pay at least one-half of the rate. Thus, if a man had a farm in England worth 100*l.* net, on which the rates were 10*l.*, the tenant would only give the landlord 100*l.*, and pay the rates himself. In Ireland he would give 105*l.*, so that in the latter case the landlord would have to pay income tax on 5*l.* more than in England upon a property of exactly the same value. Besides, there was an enactment by which an English landlord, if he agreed to pay any portion of the tenant's rates, or, in other words, if he voluntarily placed himself in the position in which an Irish landlord was placed by law, he was allowed to make the deduction.

The CHANCELLOR OF THE EXCHEQUER said, he would beg the hon. and learned Gentleman to postpone the clause till the third reading. In its present shape he could not accept it, because from the valuation, which was the basis of the assessment, the poor-rate had already been deducted. There might, however, be cases in which the valuation was too high, and in which the tenant might appeal and prove that his rent was under the valuation. Some provision, therefore, might be necessary to meet that case.

Clause *postponed.*

MR. I. BUTT then moved a third clause, the necessity for which he admitted had been in great measure removed by alterations already made. Its object was to provide, that wherever the Special Commissioners adopted the option of assessing the tenant, the latter should only be assessed to the amount which he would himself be entitled to deduct from his landlord.

The CHANCELLOR OF THE EXCHEQUER said, he objected to the proposed enactment. It would afford only an insignificant amount of relief, at the expense of a great deal of inconvenience and expense.

MR. BUTT would not divide the Committee.

Clause *withdrawn.*

Bill *reported* as amended.

House resumed.

CUSTOMS ACTS.

House in Committee.

MR. MITCHELL said, he begged to ask the right hon. Gentleman the Chancellor of the Exchequer, whether the duty on raisins not of British possessions would be reduced to 10*s.* per cwt., as proposed in the first edition of the new tariff?

The CHANCELLOR OF THE EXCHEQUER said, that when the Resolutions were first published, he was under the impression, according to the best intelligence he then possessed, that raisins would be of great use to the community in mitigating the serious inconvenience occasioned by the extreme scarcity of currants. It was on that account that the reduction of the duty upon raisins was inserted in the Resolutions. After that period, the hon. Gentleman gave notice of a Motion to reduce the duty upon currants also. To this proposal he could not accede. A popular proposal it might have been upon many grounds, and he should be glad if it could be adopted, on account of our relations with the Ionian islands, had it been certain that the consumer would get the benefit, or that the revenue would recover itself. But the accounts of the prospect of supplies, and the anticipations of the future supplies, were such as put an end to the question. In point of fact, there was a currant famine. They were at double their ordinary price, and we had arrived at a state of things under which any remission of duty would be so much boon to the persons engaged in the trade. Whether this was the case or not, it was quite plain there would be little or no recovery of revenue from the remission of duty. At that time there were also alarming accounts with regard to the produce of raisins. We derived large supplies from the Levant. The Levant was our second source of supply—certainly inferior to Spain, but likely to become more important in consequence of a reduction of duty. Alarming accounts then were received of the ravages of frost and locusts upon both raisins and currants. But there had since been a change, and a very favourable change. The fears once entertained had passed away; the frost, instead of destroying the raisins, had destroyed the locusts. What was much more important was, that the actual stock of raisins of low quality in bond in this country had become extremely large. There was at this moment in bond so large a stock of the middling and low qualities, perfectly sound and available for use, that though it was probable a high duty might exclude a considerable quantity, there was every prospect that these would be introduced into the market, and that they would supply a large portion of the population with a substitute for currants. The stock was so considerable that there was every prospect that the reduction of the duty upon raisins would not be attended with any sensible loss of revenue. Under these circumstances, it was his intention to accede to the Motion of the hon. Gentleman.

On the item of Cables, not of iron, new and old, tarred and untarred, on which it was proposed wholly to remit the duty,

MR. MITCHELL said, the proposed reductions upon cordage, which Russia supplied, was equivalent to twenty per cent. The manufacture of cordage was carried on chiefly by manual labour. The right hon. Gentleman proposed to sweep away the whole of the duty of twenty per cent upon the manufactured article. As a free trader he was not prepared to oppose this reduction, but he thought it a precipitate step. Russia supplied both the raw material and the manufactured article, and there was every facility for importing it into this country. In the execution of her own policy, Russia levied a duty upon the export of the raw material, but not on the manufactured article. The difference between the cost of the raw material and the manufactured article was 12*s.* per ton.

At the same time, he would beg to ask how long the Chancellor of the Exchequer intended to retain the duty on foreign wood, which was a much more important article than cordage, and on which he (Mr. Mitchell) should certainly next year call for a reduction of duty?

Mr. CAYLEY said, he would remind the hon. Gentleman that the best ropes and cables were not made by hand labour, but by machinery.

Lord JOHN MANNERS said, he must complain of the large amount of revenue that was frittered away by the proposal of the right hon. Gentleman the Chancellor of the Exchequer. In the present case he was not aware that any one had complained that the duty was excessive, nor would its repeal save anything in the cost of collection, nor would it even stimulate the manufacture in this country. He should propose, therefore, that the duty on these articles be retained.

The CHANCELLOR of the EXCHEQUER said, that the principle on which he acted was a very simple one. It was to simplify the tariff by the reduction of duties wherever they could effect it at a moderate cost to the revenue. With regard to duty-free goods, there was but one material office the Customs had to perform, that was to ascertain that the articles were really what they professed to be, and for that purpose searching was necessary. That was all that was necessary with regard to duty-free goods; with other articles, however, it was not so. However low the duty, there was the whole warehousing system involved. If the duty were only one penny, it was worth the importer's while to pay something for the postponement of the duty. Then it was necessary to charge the duty, to levy the duty, to account for it, to audit the accounts, and so on. By removing articles of this nature entirely from the tariff, great inconvenience and expense were obviated. He believed it would be found that no less a sum than 400,000*l.* had been saved in expenses of collection by the abolition of Customs duties during the last few years. Of course he could not consent to the Amendment of the noble Lord.

Mr. NEWDEGATE said, he thought the Committee would agree with him that articles of luxury offered a fair subject for taxation. But the right hon. Gentleman the Chancellor of the Exchequer was surrendering upon articles of that description a sum of upwards of 10,000*l.* a year. He would further observe, that the right hon. Gentleman was not practising in that case a wise economy; for while he would not be able to reduce the number of public officers by ten men, he would diminish the revenue by a sum which would pay fifty men. There was involved in such a policy an absolute waste of revenue.

Lord JOHN MANNERS said, he had asked the right hon. Gentleman the Chancellor of the Exchequer how much he expected to save in the cost of collecting the revenue in consequence of the repeal of those duties? and the right hon. Gentleman had stated in reply, that the removal of Customs duties had not hitherto led to any perceptible reduction in the cost of collecting the Customs revenue, but that it had prevented that increase in the cost of collection which would otherwise have taken place in the midst of our constantly-increasing commercial transactions. But he (Lord J. Manners) would remind the right hon. Gentleman, that while the cost of collecting the Customs revenue had increased during the last ten years, the cost of collecting the Excise revenue had considerably diminished during the same period. The right hon. Gentleman would not surely contend that the difference in these results was to be attributed to the fact that there had been no increase during the last ten years in the consumption of articles subject to the Excise duties. The fair inference to draw from their experience in that matter was, that where Excise duties were repealed, a large portion of the expense of collecting those duties was removed, while no corresponding reduction took place in the case of the repeal of Customs duties. He found that the cost of collecting the Excise duties in 1842 had amounted to 823,682*l.*, and that the cost of collecting those duties in 1851 had amounted to only 673,826*l.*; showing a decrease in the cost of collection to the amount of 149,856*l.*, while the Excise duties repealed had amounted to 1,619,000*l.* But in the case of the Customs duties, he found that the cost of collection, which in 1842 had been 1,254,590*l.*, had risen in 1851 to 1,290,756*l.*; showing an increase in the cost of collection to the amount of 36,166*l.*, while the Customs duties repealed had amounted to 1,450,000*l.* How did the right hon. Gentleman account for these facts? His (Lord J. Manners') inference from them was, that where you repealed Excise duties, you diminished the cost of collecting the remainder by striking off a number of those persons who had been employed to collect the duties; but where you repealed Customs duties, you did not diminish the number of those who were employed to collect the remainder; you only lessened the difficulties in the way of importers. With the view of testing the opinion of hon. Members on this subject, he should persevere in his Motion, and divide the Committee.

Question put, "That Coir Rope, Twine and Strands, stand part of the proposed Resolution."

The Committee *divided*:—Ayes 194; Noes 68: Majority 126.

Resolution *agreed to.*

The Resolution for a repeal of the duty on Pictures having been put,

LORD JOHN MANNERS said, he felt bound to offer his decided opposition to the proposal. It appeared to him that the right hon. Gentleman was about wantonly to throw away 2,000*l.* or 3,000*l.* a year in that case. He did not see how the people of England could benefit by a repeal of the duty on foreign pictures; and the Resolution was, in his opinion, so objectionable that he should take the sense of the Committee against it. [*Cries of* "Divide!"] He was sorry that the guardians of the public purse should be so impatient whilst he was endeavouring to maintain a Customs duty, against which, he ventured to say, no intelligible objection could be raised, and which, when repealed, would simply have the effect of reducing the revenue of the country without rendering any benefit to the community. For the reasons he had stated, he should take the sense of the Committee upon this Resolution.

The CHANCELLOR OF THE EXCHEQUER: I confess, Sir, that I have heard the speech of my noble Friend with the greatest regret and surprise. I really had hoped that there was no man in this House—and if there was any man I should have thought that he would have been the last man—who would have exhorted us in tones so solemn to beware how we exempt pictures while we continue to tax beer. Why, Sir, we live in a utilitarian age, and utilitarianism is supposed to be the danger of this period—and perhaps it is the danger of this period; and here we come down to a popular assembly, to do something if we can to meet that spirit of utilitarianism. We are laying out large sums of money upon the education of the people—we are endeavouring to train their taste, to educate their eye, to make them— [*Derisive laughter.*] Are these sentiments, then, to be received with jeers by the Gentlemen who represent the counties of England? Why, Sir, I venture to say that there is no man who could rise in an assembly of working men in this country where such sentiments would be met as they have been met by hon. Members opposite. Well, Sir, this is a serious question. It is no mere question of 2,000*l.* or 3,000*l.* a year levied upon pictures. The question is this—Is it desirable, or not, to make the people of this country familiar with the works of great men, whether it be in art, or in science, or in letters? Is high culture valuable, or is it not, in a nation? Sir, I think it is valuable in a nation. Upon that principle we propose to remit this duty. It is not a mere question of trade. And what are we doing? We are but following the example of those who, even in the times of Protection, adopted the same course, and who, although the tax upon pictures had remained until now, had remitted the tax upon statues and works of art of other kinds. Well, will you retain the tax upon these articles, while other works of art are admitted free? Is that wise, or is it foolish? I should have thought that this would have been the last in this long catalogue of articles which would have been subjected to opposition; and if subjected to opposition, I confess that I should have thought that my noble Friend would not have been the foremost to object. Why, I should have supposed that he would have set himself manfully against the utilitarianism of the age. I should have thought that if he had a bias or a leaning in his mind, it was towards what is ancient, and venerable, and great, and that he would have been disposed to look down upon the mere acquisition of wealth, and to have desired to teach the people that there is much more in this world than wealth that is worth having, and worth living for. These, Sir, are the principles upon which this proposal is founded; and yet it meets with opposition from him. I will not detain the Committee, for I am convinced that the matter does not require argument. I am satisfied that there never was a proposal—insignificant in appearance although it may be, and small in its amount—which was more in unison with the spirit of the House of Commons, or more consonant with the spirit of the people whom we represent.

MR. NEWDEGATE said, that hon. Members might fancy they were teaching their constituents to respect them because they were labouring for the cultivation of art; but, perhaps, their constituents would remember that they were ministering to the comforts of the epicures, and increasing their taste for turtle and truffles. The right hon. Gentleman appeared to be as anxious to train the taste of the people in turtle as in fine arts, and had put in the same category pickles and pictures. The right hon. Gentleman was thus labouring for the epicure as well as the artist. The right hon. Gentleman was rather affected in assuming such regard for art in taking off a duty upon pictures at so much per foot. But he also intended to put on a specific duty upon musical snuff-boxes, of so much per tune, with an additional charge for variations; so that it would be necessary to have a skilled musical professor to levy the tax. He (Mr. Newdegate) regarded the plan of the right hon. Gentleman as a blind sacrifice of revenue to the *ignis fatuus* of free trade.

LORD JOHN MANNERS said, that after the eloquent appeal that had been made in favour of art and educating the minds of the people by the right hon. Chancellor of the Exchequer, the Committee might be surprised to know that the great inducement which the right hon. Gentleman held out to the artisans of England to study the works of the great masters of painting in foreign countries was to remit the amount of 1*s*. 6*d*. upon every picture of a Correggio or a Raphael, with an additional duty of 1*s*. 6*d*., and 6-10ths of a penny upon every foot that such a picture might occupy. The right hon. Gentleman filled a high position, which had been occupied by many distinguished men in his time, who had not been wanting in their desire to stimulate the taste of the people; but yet the House of Commons had never heard that they had laid claim to these great and noble ideas on account of having proposed to repeal an eighteenpenny duty upon pictures. Governments in recent days had offered some 10,000*l*. or 11,000*l*. for a picture to be added to the National Gallery; would the right hon. Gentleman tell the Committee what additional cost this duty of 1*s*. 6*d*. per picture, and 8-10ths of a penny per foot, would add to a picture of that sort? He could not believe that the right hon. Gentleman was in earnest when he told them that in repealing this small duty on the importation of pictures, the Government intended to stimulate the demand for pictures, and improve the taste of the working classes. The right hon. Gentleman could not have been in earnest in what he said, but had taken the opportunity of throwing an unworthy taunt upon his opponents. After what had passed he felt bound to divide.

Question put, "That Pictures stand part of the proposed Resolution."

The Committee *divided*:—Ayes 186; Noes 46: Majority 140.

Resolution *agreed to*.

On raw Apples,

SIR WILLIAM JOLLIFFE said, he must ask why the rates of duty were not uniform? The right hon. Gentleman's object was, of course, to prevent any protective effect. Thus there was a lower duty on apples, which we did produce, than upon oranges, which we did not produce. Why should cherries pay 2*d*. a bushel, and apples, 5*d*., and oranges, 8*d*.? He wished to know why it was that pines paid a duty of 2*s*. per dozen, while apples and pears paid only 3*d*.?

The CHANCELLOR OF THE EXCHEQUER said, the answer to the hon. Baronet's question was, that it would be a very good thing if they could have all these fruits admitted free, but they were under certain necessities as to raising a revenue, and had gone as far as they could with safety in reducing duties. 2*d*. on cherries, an extremely perishable fruit, was as high as 8*d*. on oranges.

MR. VANSITTART said, he should feel bound to take the sense of the Committee against Ministers on this subject. He should move that the Chairman report progress, and ask leave to sit again.

SIR WILLIAM JOLLIFFE hoped his hon. Friend would not persist in the Motion, though he thought the arrangement of duties proposed by Government very unsatisfactory.

MR. VANSITTART said, he would propose an Amendment establishing a uniform duty of 6*d*. on all fruit.

Amendment *negatived*.

Resolution *agreed to*.

On Butter,

MR. TOLLEMACHE said, he must object to the reductions on butter and cheese, as inflicting additional injustice on the agricultural interest, which had suffered so much from the removal of protection on cattle and dairy produce. With regard to cheese, he anticipated that the proposition of the right hon. Gentleman would occasion a certain loss to the revenue, without benefitting any class. He should, therefore, move the omission of butter and cheese from the list of articles in the Resolution.

Mr. APSLEY PELLATT said, that the remission which was proposed to be made in the case of glass and other articles would bear with equal severity upon the manufacturers; and that, therefore, those who were connected with land had no right to complain of being unfairly dealt with by the remission intended to be made with reference to cheese and butter.

Mr. GEORGE said, that in the district which he had the honour to represent, a great many farmers had turned their attention to the manufacture of butter, and the improvement of the breed of cattle. Without offering any opposition to the principle of free trade, he thought the present moment ought not to have been seized for making such a reduction as that now proposed, and trusted the Chancellor of the Exchequer would give Ireland a little more breathing time.

Mr. SPOONER said, he must inquire why the Chancellor of the Exchequer thought it necessary to alter this duty? At the time when free-trade principles were first promulgated by Sir Robert Peel, that right hon. Gentleman fixed the duty on butter and cheese. What circumstances, then, made it necessary to alter it?

The CHANCELLOR of the EXCHEQUER said, he would venture to say, from a recollection of the transactions to which the hon. Gentleman referred, that when Sir Robert Peel fixed the duty on those articles, he fixed it with the hope that after a moderate period it would be unfixed. He thought it was quite obvious that, on the principles which that House had adopted, articles of food ought to be progressively relieved from duty.

Mr. SPOONER said, he must declare the principle of free trade to be entirely wrong, and he believed it would result in ultimately raising the price of articles.

The Marquess of GRANBY said, that the right hon. Gentleman the Chancellor of the Exchequer had stated that Sir Robert Peel had fixed a duty upon cheese and butter, which he meant to be repealed. He (the Marquess of Granby) would only express a hope that the right hon. Gentleman himself would follow out the same principle, and take off duties at the present only in order to impose them again at a future day. He had to remind the right hon. Gentleman that a great deal of land throughout the country had been converted from tillage into pasture in consequence of what had, on a former occasion, been enunciated by a Colleague of the right hon. Gentleman. Having been advised by the right hon. Baronet now at the head of the Admiralty to take that course, it was scarcely fair that the Government of which that right hon. Baronet was a member, should propose to take away the protection, in the case of cheese and butter, which the farmers of England at the present day enjoyed. With respect to the revenue of the country, he should say that it was his opinion that it was in considerable danger. The right hon. Gentleman the Chancellor of the Exchequer had stated that the income tax was to be retained only for a few years. But if that tax were repealed, and indirect taxation were to abolished to the extent which the Government proposed, he should like to know from what source the revenue of the country was to be derived? The people of this country would not stand the imposition of an excise duty, unless there were, at the same time, duties raised upon the importation of the produce of foreign countries into this kingdom. He should warn the right hon. Gentleman that if he followed out the system which he seemed inclined to pursue, he would find that the revenue of the country would shortly be insufficient to meet her expenditure.

Sir WILLIAM VERNER said, he considered the reduction of these duties of the utmost importance, and as being calculated to do considerable injury to Ireland.

Sir WILLIAM JOLLIFFE said, he was of opinion that these reductions, as affecting the revenue to the extent of upwards of 80,000*l*., were worthy of serious consideration. He did not speak on the subject from any horror which he entertained of free trade; but because it seemed to him that the measure came from the Chancellor of the Exchequer at the wrong time, inasmuch as the part of the kingdom most affected by it had been dealt rather hardly with already in the financial measures of the right hon. Gentleman. The sister country was more affected by the proposed change than any part of the kingdom; and although he himself had no concern in the manufacture of butter, yet, concluding that the proposed change would affect the principal source of industry in Ireland, it seemed to him to come with a very ungracious appearance from the right hon. Gentleman.

Sir ARTHUR BROOKE said, he should not be doing his duty unless he urged upon the Government the necessity of consideration before taking off the duty upon butter. The farmers had already suffered by the introduction of free trade, and now a reduction was to be made in the duty on butter, which was one of the principal articles of produce in Ireland. He should have preferred, if a reduction were to be made at all, seeing the duty reduced by one-quarter rather than by one-half.

MR. TOLLEMACHE said, he should divide the Committee on the question that butter be altogether omitted, and that the duty remain as at present.

Question put, "That Butter (not of British Possessions) the cwt. 5*s*., stand part of the proposed Resolution."

The Committee *divided*:—Ayes 141; Noes 49: Majority 92.

Resolution *agreed to*.

On Cheese,

MR. COLVILE said, that he thought a heavier duty than 2*s*. 6*d*. a cwt. should be imposed on cheese, which was a manufactured article. He should prefer that the present duty of 5*s*. a cwt. should be retained, and would therefore move that the word "cheese" should be struck out of the Resolution.

Question put, "That Cheese (not of British Possessions) to be charged on the landing weight 2*s*. 6*d*. stand part of the proposed Resolution."

The Committee *divided*:—Ayes 135; Noes 40: Majority 95.

Resolution *agreed to*.

Motion made, and Question proposed, "That the Chairman do report progress, and ask leave to sit again."

MR. MACARTNEY said, he should support the Motion. There must be some limit to their sittings, and, considering the time which hon. Gentlemen had been already occupied during that day in the business of the House, and the probability there was of a long and heavy debate on the following evening upon the Indian question, he thought it only reasonable that the Chairman should then report progress.

The CHANCELLOR OF THE EXCHEQUER said, he would suggest that those parts of the Resolution to which there was no objection should be then taken, and that others, which were opposed, should stand over.

The Committee *divided*:—Ayes 11; Noes 125: Majority 114.

The Committee then went through the unopposed items in the tariff, and confirmed the proposed duties.

Sir A. Brooke

House resumed; Committee report progress.

The House adjourned at a quarter before Three o'clock.

HOUSE OF LORDS,

Friday, June 3, 1853.

MINUTES.] PUBLIC BILL. — 1ª Hackney Carriages (Metropolis).

AFFAIRS OF THE LA PLATA—STATE OF PARAGUAY.

The EARL of MALMESBURY said, that, seeing his noble Friend the Secretary for Foreign Affairs in his place, he wished to ask him the question of which he gave notice the other day. Their Lordships would recollect that about thirteen months ago, when the late Government was in office, the rule of Rosas in the South American provinces was brought to an end after a sudden and violent revolution. Her Majesty's Government thought that would be a favourable moment for attempting to carry out an object of the greatest importance to the commerce of the world, and especially to that of England, namely, to open the great rivers of the Southern Continent of America. Accordingly Her Majesty's late Government deputed Sir Charles Hotham, an officer who had acquired considerable experience in that part of the world, who spoke the language well, and who was in every way adapted to carry out the object which the Government wished to bring to a completion, to proceed to South America, with the view of conducting negotiations there. When Sir Charles Hotham reached Buenos Ayres, he found the country in possession of and ruled over by General Urquiza; and the Government of the time immediately proclaimed to all the nations of the world the opening of the river Parana. Subsequent revolutions took place in that country, which he need not detail to their Lordships; but, at all events, the great object in view was so far attained, that the lower part of the vast river Parana was opened to the sea. But their Lordships were aware that above Buenos Ayres there was another republic—with which he had previously had no communication whatever, commercially speaking, though it extended over a large tract of country—called Paraguay. It was one of the instructions which the late Government gave to Sir Charles Hotham, that he should open communication with General Lopez, the President of that district, for the purpose of obtaining from him, if possible, a commercial treaty, so as to open the Parana still further up, towards Bolivia. Up to the time at which the late Government left office, Sir Charles met with such difficulties in the course of the negotiation, that notwithstanding the greatest perseverance and diligence on his part he was unable to overcome them; but it was understood that since that period he had been able, having repaired to Paraguay, to sign a treaty with General Lopez in accordance with the instructions he had received from the late Government. He wished to ask his noble Friend whether such was the case; and, if so, whether he had any objection to state to the House the nature of the treaty, and how far he considered the instructions given to Sir Charles Hotham by the late Government had been fulfilled?

The EARL of CLARENDON was understood to say, that when the Plenipotentiary appointed by the late Government reached Montevideo, having found that the Government there were actually engaged in carrying out the purpose which Her Majesty's late Government had in view, Sir Charles Hotham very prudently abstained from interfering; and the river had since been opened by that Government. At Buenos Ayres he found likewise, as his noble Friend had stated, a disposition, which was subsequently carried into effect by General Urquiza, and confirmed by the Government which had displaced him, to open the river Parana. In consequence of the disturbed state of the country, Sir Charles Hotham was unable to reach Paraguay for a considerable time, though he ultimately did so; and about two months ago he succeeded in concluding a treaty with that country, by which the river was opened as far as the town of Assumçion. It could not be opened further, it appeared, on account of certain boundary difficulties between Paraguay and Brazil; but Sir Charles Hotham had received an assurance from the President that as soon as those difficulties should have terminated, he would open the river to the utmost extent. The treaty which had been agreed upon provided for the security of the lives and property of British subjects, for the free exercise of their religion and of their mercantile pursuits; and, in most respects, he might say, it was in conformity with the draught which Sir Charles Hotham was instructed to frame. There were, however, two or three articles which differed from that draught, and to an extent which was rather to be regretted; but Sir Charles Hotham had, in his opinion, stated sound reasons for having agreed to the treaty. Since the arrival of the treaty in this country, he (the Earl of Clarendon) had conferred with the Board of Trade on the subject, and had found that in their opinion there was no substantial objection to its adoption; and Her Majesty's Government had accordingly directed the treaty to be ratified. Sir Charles Hotham, as his noble Friend was aware, was directed—very prudently, as he (the Earl of Clarendon) thought—to proceed *pari passu* with the negotiator sent from the French Government on the same service. From that gentleman (M. St. Georges) he had received the most cordial co-operation; and M. St. Georges, as well as the representatives of the United States and Sardinia, had adopted the same form of treaty as that which had been agreed to by Sir Charles Hotham. He thought that the treaty was to last six years; and the President's son was himself coming over to exchange his ratification. He believed that under this treaty there was a fair prospect of that important country and its great watercourses being opened to the commerce of the world. He thought that Sir Charles Hotham deserved the greatest credit for the skill and dexterity which he had evinced during the progress of these delicate and difficult negotiations.

LORD COLCHESTER said, that Paraguay occupied only one side of the river Parana. He wished to know whether a similar treaty had been concluded with Bolivia, which occupied the other bank?

The EARL of CLARENDON said, he believed that Bolivia had voluntarily consented to the opening of the river so far as it was concerned.

COUNTY COURTS—COSTS.

LORD BROUGHAM said, he had to *present* a petition, to the subject-matter of which he wished to call the particular attention of their Lordships. He was sorry to trouble their Lordships with it on that occasion; but the fact was, that if he postponed it till next week it might then be too late for the purpose he had in view. The petition was from Mr. George Thomas Whitington, of No. 2, New Broad Street, in the City of London, commission agent, complaining of the present practice of the County Courts, which prevents amicable arrangements being made by suitors in such Courts. The petitioner also complained, on the same grounds as the gentleman from whom he presented the petition yesterday, not of the practice of the County Courts, nor of any one connected with them, as was most incorrectly supposed, but he complained, as he (Lord Brougham) had repeatedly complained, and ever should complain until the grievance was removed, of the abuse, whereby the expenses of maintaining those courts was thrown upon the suitors, instead of being defrayed by the State. Mr. Whitington showed, by the statements and the details which he furnished in his petition, how much he had suffered by such a law in his extensive occupation as a commission agent—a business which necessitated his frequent recourse to these courts; and he testified how far the exaction of fees did, in many cases, bar the access to these courts. Great misapprehensions had prevailed on this subject, both out of doors and in doors. Above all, it had been most incorrectly imagined that those who complained of the fees were complaining of the officers of the court — of the judge, the clerks, and the bailiffs. It was, however, quite the contrary. It was still more incorrect—as had been sometimes rashly supposed—to say that they complained of the County Courts. It was quite the reverse. So far from complaining of this institution, it was because they were most friendly to the County Courts, and on that ground alone, that they complained of the heavy fees by which suitors were made to pay for what the State should bear, and which barred numbers of suitors from the access to the cheap and expeditious administration of justice these courts were intended to provide. He had stated on a previous occasion, in round numbers, thatt he proportion of the fees charged in these Courts, as compared with the amounts recovered, was nearly 25 per cent; but as some doubt appeared to exist as to that fact, he would substantiate his statement by quoting the returns which had been furnished to both Houses of Parliament. It appeared that in 1851 the sums sued for amounted to 1,600,000*l*., and the sums recovered by judgments to 815,000*l*., upon which the sums levied as fees amounted to no less a sum than 272,000*l*., which, as their Lordships were aware, went to the payment of the salaries of the judges, the clerks, and the staff of the Courts, so to speak. This amounted to about 33 per cent; but if they deducted the sums paid into court, which might amount to about 100,000*l*., and also the sums paid on serving the summons, they would reduce the percentage some 7*l*. or 8*l*., and bring it within a trifle of 25 per cent, as he had previously stated. Now, they were all agreed that this evil could not be allowed to continue; the only question was as to the mode and manner of removing the evil, and substituting a better system in its stead. He would not, therefore, dwell upon this question, but would proceed to call the attention of his noble and learned Friend (Lord Lyndhurst) to what he conceived to be a matter of very great moment. It would be in the recollection of their Lordships that, in consequence of his noble and learned Friend having called their attention to the unsatisfactory manner in which the costs were arranged in the County Courts, he (Lord Brougham) inserted in his County Court Extension Bill, which was then pending, a provision to the effect that the Great Seal should issue a commission to proper persons—County Court judges — authorising them to prepare a scale of fees to be laid before three of the Judges of the Superior Courts at Westminster Hall—which scale, upon obtaining the approval of those Judges, should then, but not till then, become the fees of the Court. That Commission had been issued, and the Commissioners had since reported to the Judges of the Superior Courts a scale of fees to be charged by officers of the County Courts, and by the practitioners in those Courts. The learned Judges to whom the scale had been submitted, taking advice of the most competent officers, were (as he understood) about to approve substantially, but with some alterations, of the scale suggested by those officers. A rumour had reached him, which he was most reluctant to credit (though he was bound to pay attention to it, from the manner in which it had reached him), reluctant, because if it were true, and some immediate steps were not taken to frustrate the intentions supposed to exist, there would be a report made by these Judges, affirming, not the scale of fees which the County Court judges, and other persons experienced in the practice of those Courts, had agreed to, but a scale of fees that must have the effect of nullifying one of the most important provisions of the County Court Acts. It would be remembered, that in consequence of the precipitation with which the County Courts Act of 1846 was passed, it contained many defects, and, among other things, there was omitted from it the clause which was subsequently introduced by him (Lord Brougham), and which was known as "the optional clause"—one of the provisions in the original Bill of 1833—by which, with the consent of both parties, the County Courts were entitled to try any sort of cases, and to any amount. Professional interests had prevented that clause being used in many cases in which it would have been used; other jealousies also had tended to restrict its full operation. Nevertheless, it had been adopted to some extent; and wherever it had been, it had produced the best possible effects. But what were we threatened with now? If the rumour to which he was reluctantly compelled to allude were not wholly groundless, there was about to be made such an alteration of the Act as he would call a repeal of the optional clause. It was said, he hoped and trusted untruly, that in a very short time forth would come the "approved disapproved" scale of fees—a scale of fees approved by the friends, and practitioners, and judges of the County Courts, but disapproved by others not belonging to those Courts, and not friendly to their jurisdiction; and the scale which they prescribed was this, that no costs should be allowed to any attorney in the County Courts for any cause under the optional clause, that was to say, any cause above 50*l.*, beyond such costs as he might have in the Superior Courts at Westminster on an action under 20*l.*, so that in the most important causes that were brought into these Courts, the only costs that were to be allowed could only equal those chargeable in the least important causes in the Superior Courts. This would occasion a very considerable increase in the business of Westminster Hall, and a corresponding diminution in the business of the County Courts—

LORD LYNDHURST was understood to express his conviction that the rumour was unfounded.

LORD BROUGHAM continued: He, too, thought it must be unfounded. He trusted it was. He understood that there was a *dictum* in high quarters to the effect that the County Courts were merely small-debt courts, and unfortunately the name "Small Debt Courts" was used in the title of the Bills respecting them. But they could no longer be called Small Debt Courts when they had jurisdiction to the extent of 50*l.*—ay, and when by the optional clause they had jurisdiction to any extent and in any case; not to mention the new jurisdiction given by Bills now on the eve of passing. From hearing that this phrase of Small Debt Courts was the common form of expression in certain quarters, he had been inclined to lend his ear, though most unwillingly, to the report which had reached him of sinister intentions with respect to those courts. Should there be any foundation for that rumour, it would be the bounden duty of their Lordships—and he should be glad to assist them in the task—to see that there should not be, by any indirect proceeding of that sort, an actual repeal of a most important legislative provision. But he trusted that it would not be necessary for their Lordships to be further troubled on the subject.

The LORD CHANCELLOR said, that, not having heard of this subject until it was mentioned by the noble and learned Lord who had just spoken, he was of course entirely uninformed with respect to the matter which he had referred to. He (the Lord Chancellor) could only say, that he was quite satisfied, from the quarter from which the decision as to these fees was to come, that nothing underhand could be intended. It would, he agreed, be extremely wrong not to make such a scale of costs as would fairly remunerate attorneys bringing actions in the county courts under this "optional clause;" but, on the other hand, it was essentially necessary that these costs should not be excessive, or otherwise the very object which was in view in the institution of these courts would be defeated. It should be remembered, also, that the labours of professional men in these courts would be much less than in conducting the same causes in the superior courts, and it was, therefore, extremely important for the interests of the suitor that the costs should not be raised to a very high rate. Whatever the decision of the Judges might be, he was convinced they would be able to give such reasons for their recommendation as would satisfy even his noble and learned Friend, if not of the soundness of their judgment, at least of the purity of their intentions.

LORD ST. LEONARDS said, he had appointed the gentlemen who had had to consider the scale of charges in that case, and he had taken great pains to select the most competent persons for the task. It appeared to him that their Lordships ought not to enter into any discussion upon the point until they should have had before them the Report of the Judges to whom the consideration of the scale of charges had been referred.

SUCCESSION TO THE CROWN OF DENMARK.

LORD BEAUMONT said, that he was sure no apology was necessary for bringing the subject to which the notice on the Minutes referred, before their Lordships' House; for every one who was the least acquainted with the affairs of Europe must be aware that Denmark formed one of the pivots on which the balance of power turned. That small but important kingdom performed in the north the part which the keeper of the Bosphorus and Dardanelles did in the south-east; and anything, therefore, which threatened its integrity and independence became a matter of vital importance and serious anxiety to the great European Powers. In all negotiations which during the last century had taken place on questions relating to the succession or independence of the Crown of Denmark, or of the Ducal Coronets of Schleswig and Holstein, the Ministers of both France and England had shown themselves alive to the important interests involved in the question. On each of these former occasions, the representatives of those two Powers had endeavoured to remove as far as possible the chance of dismemberment of the Danish territory, or the incorporation of any portion of it with any of the great Powers of Europe. Their labours had been directed towards securing the permanent integrity of that small kingdom; nor did he (Lord Beaumont) doubt that the same desire influenced the action of those Powers who were parties to the treaty of May 1851. The task, however, both formerly and recently, had been one of extreme difficulty, in consequence of the various forms of succession which had been established in different parts of the territory, as well as in consequence of the fact that the kingdom of Denmark was a union of what had been—and what still to a certain extent continued to be—separate and independent States. Notwithstanding, however, the difficulties which surrounded the attempt, and the complicated rights they had to deal with, he (Lord Beaumont) believed that in all negotiations touching the succession to the Danish Crown, three main objects had been invariably kept in view; and those three objects he maintained ought never to be lost sight of. The first of those objects was, as he had already stated, the permanent integrity of Denmark, or in other words, resistance to any attempt to separate the Duchies of Schleswig and Holstein from the Crown of Denmark Proper. The second object which ought to be kept in view, but which in all former negotiations the parties interested had failed to attain, was the removal of those various anomalies which existed in the different forms of government and separate jurisdictions of different parts, both of the duchies and the kingdom. The third, and perhaps the most important object which statesmen had hitherto kept in view, and which the Government of the present day ought not to disregard, was to place as many bars as possible to the reversionary claims of Russia, by admitting as many intermediate branches of the family of Oldenburg to the succession to the crown as possible, and thus weaken the connexion and diminish the interests between St. Petersburgh and Copenhagen. It was possible that the framers of the treaty of May 1851 flattered themselves that they had successfully laboured for the accomplishment of these important objects; but he (Lord Beaumont) maintained that however excellent might have been their intentions and sincere their wishes, they had totally failed in ariving at the desired solution of the question, and rather defeated those great European interests to which he had alluded, than placed them on a firm and permanent footing. In order to understand the case, it was necessary to narrate the circumstances which rendered the succession to the Crown of Denmark so complicated, and created such difficulties in regard to the position of the Duchies. He would, therefore, in as brief and as clear a way as the case permitted, place before them the pedigree of the different branches of the Royal family, and state the laws now in operation affecting their different claims. The reigning dynasty of Denmark was a branch of the family of Oldenburg. The Crown of Denmark had been formerly elective; and the estates conferred the royal dignity on Christian I., Count of Oldenburg, in 1448. From that time forward they selected for their sovereign members of the Oldenburg family, in accordance with the principle of the law of primogeniture. This family, on the death of Frederic I., became divided into two principal lines, namely, the elder or royal line, and the younger or Gottorp line. The elder or royal line became again subdivided into two branches on the death of Christian III.; who left two sons, from the elder of whom the present royal family of Denmark is descended, while from the younger the Duke of Sonderburg was descended. The family of the younger or Sonderburg branch, is now again subdivided into two branches, namely, the Augustenburg or elder branch, and the Glucksburg or younger branch. The existing representatives of the royal branch of Oldenburg are, therefore, the present King of Denmark, the Duke of Augustenburg's family, and thereby the Glucksburg. The Gottorp branch, or younger line, is now represented by the Emperor of Russia, the Wasa family, and the ducal house of Oldenburg. Supposing the crown to be hereditary in the descendants of Frederic I., these various families would succeed in the following order. First, the King of Denmark's; next, the Augustenburg's; thirdly, the Glucksburg's; and then, failing these three, the Russian. It happened unluckily that the Crown of Denmark was held under a different title from that by which the succession to the throne of the Duchies had been established. In 1660 the estates offered to Frederic III. absolute power and leave to make the crown hereditary, in consequence of which a statute was adopted in 1665 to fix the succession, and limit the claims to the throne. This statute is known under the name of the *Lex Regia*, and was the present law of Denmark. That law enacted that the Crown should be hereditary in the family of Oldenburg, according to the right of primogenture; but in such a manner that the male descendants of Frederic III. should be extinct before his female descendants succeeded. That is to say, the Crown would descend in regular succession to all agnates; and on the failure of male heirs, to the cognates. Such was not the case in the Duchies. In their case, the females who would succeed under the *Lex Regia* were excluded. In 1460 the estates of the Duchies had elected Christian I., King of Denmark, Duke, and now claimed the right of agnate succession in the family of the founder. So that on failure of male issue in the family of the King of Denmark, the Augustenburgs would succeed; and on failing male issue in the Augustenburgs, the Glucksburgs; and, again, failing the Glucksburgs, the Gottop or Russian branch. The difference in the law of succession as between the duchies and the kingdom of Denmark Proper held out the prospect of a break-up of the present united kingdom, and tended to resolve the component parts into their original separate States. The danger of such an unfortunate result seemed to be imminent, inasmuch as the present Royal family was reduced to two males, namely, the present King and his uncle, neither of whom had, nor were likely to have, male issue. On their demise, therefore, the Crown of Denmark would, according to the principle laid down in the *Lex Regia*, go to the King's sisters in succession; and finally, to Frederic of Hesse, the descendant of one of them. Now, the same course of events which would confer on the Prince of Hesse the Crown of Denmark, would confirm the title of the eldest surviving male of the Augustenburgs to the throne of the Duchies. Thus the separation, which ought to be deprecated, would be effected, and the result of that separation would be so disastrous to Europe in general that the great Powers were justified in taking steps to forestall it. Now, the object which the great Powers had in view might have been accomplished by either making the succession to the throne of the Duchies accord with hereditary claims established by the law of Denmark to the Crown of Denmark, or altering the law of Denmark, so as to make the title to the Crown follow the course of succession prevailing in the Duchies. The former of these schemes would have acknowledged the cognatic line; the latter would have confined the succession to the agnatic. The parties, however, who framed the treaty of May adopted neither of these courses, but passed over altogether the senior agnatic line of Augustenburg, and the immediate cognatic claimants of Hesse, and skipped at once to the sixth child of the Duke of Glucksburg, thus cutting out nine males of the agnates, and five of the cognates. This arbitrary act endangered the future peace of the country, inasmuch as it left several pretenders to the crown who might at some future period find an opportunity of asserting their claims. In a memorandum of M. Von Usedom to the King of Prussia, dated February 4, 1851, he found this danger ably set forth. M. Von Usedom says—

> "In attemping to break the legitimate succession in the Duchies violently and without a free renunciation on the part of those concerned, the dangerous principle of arbitrary power is installed in the place of positively existing hereditary rights. Numerous pretenders and families of pretenders

will be established; the seed of future insurrections, and those insurrections in favour of legitimacy, will be liberally sown. If your Majesty should give orders to sign the London Protocol, your Majesty will sooner or later be obliged to interfere in favour of the illegitimate cause."

It seemed also that Prince Metternich and M. de Canitz held the opinion, that even the proposed principle of integrity was not be preferred to the principle of legitimate succession; that is to say, that the first step to secure the integrity of the territories, should be the renunciation of claims by the parties having rights. Unfortunately the parties who have claims, and who may become hereafter pretenders to the throne, were in some instances not consulted, and in others not offered compensation for the loss of their prospective interests. It was said that the parties most immediately interested had conceded their claims, and that even the head of the Augustenburgs had renounced his pretensions; but even though the Prince of Hesse and the Duke of Augustenburg had waived their rights, their renunciation could not invalidate the claims of the other members of the elder branch of Oldenburg, who were prior in order of descent to the sixth child of Glucksburg. The danger of future contention was the first objection he (Lord Beaumont) raised to the arbitrary and violent manner in which the treaty of May broke the legitimate succession. If the selection made was a desirable one, the manner of making it was objectionable; but the selection itself was not one which could be viewed without some degree of alarm. For by it we gave strength to the influence exercised by the reversionary claims of Russia, and brought Power so much nearer to the throne of theDuchies. It was said that Russia had renounced her claims, and that the Powers had reserved the right of making further arrangements should the male issue of Prince Christian become extinct; but this was not the case, for Russia, in the Protocol of Warsaw, reserves all her rights and claims; while by the treaty it will depend on the then reigning King of Denmark what further propositions are to be made. This was the view which the Danes themselves took of the question. They disliked, it was true, the Augustenburgs, and with some reason, for the part taken by the head of that family in the war in Schleswig and Holstein was not that of a loyal Dane; but they were, notwithstanding, anxious to keep the Crown as far as possible, from the Emperor of Russia, or his descendants. The diets had, consequently, refused to comply with the Royal message to repeal the *Lex Regia.* Without a new law the treaty could not be carried into force; and as the Diet refused to make the new law, the Diet had been dissolved. In fact, the difficulties of carrying the treaty out were commencing; and he (Lord Beaumont) feared that they were chiefly the results of the inconsiderate and violent manner positive legitimate claims had been dealt with. Those claims, he must acknowledge, were intricate; but he believed they might have been successfully satisfied or compromised, if the parties had been all honestly consulted and fairly heard. The object of England in this treaty was most desirable, but was not attained; the attempt to secure it was a failure, and he thought, therefore, the House was entitled to see all the correspondence and papers respecting it in order to know where injustice (if any) had been done, and to what mistake the failure might be fairly traced. He would, therefore, ask the noble Lord the Secretary for Foreign Affairs, whether he had any objection to lay upon the table of the House the correspondence which had taken place regarding the claims of those parties who considered their rights prejudiced by the treaty of May, as well as all documents and papers touching the conduct of Russia in the transaction ? He did not ask for a copy of the treaty, as that was already on the table; but he should like to have the formal renunciation (if any) of the different parties concerned.

The Earl of CLARENDON said, he could have no objection, on the part of Her Majesty's Government, to comply with the Motion, so far as the production of the treaty went; but as to the other portion of the noble Lord's question, he regretted that to one part he could not agree, and to the other he did not feel justified in giving his assent. In reference to the correspondence upon the subject of the Danish succession, upon estimating its quantity, he found that it would amount to about 4,600 folios of print, and he thought the noble Lord would agree with him in thinking that he would not be justified in laying such a mass of documents upon the table of the House in regard to a matter which must be looked upon as settled. With regard to those intermediate persons whose rights his noble Friend had described as having been arbitrarily destroyed, no protest or remonstrance had been received from them at the Foreign Office. The only letter which he (the Earl of Clarendon) had received was one requesting to be informed whether the treaty had been signed. There was certainly some correspondence—not of an official character—which had been received by his noble Friend at the head of the Government (the Earl of Aberdeen), and which his noble Friend had proposed to hand over to the Foreign Office. This was objected to by the writer of those letters, and hence, their character being entirely unofficial, he did not think the Government justified in producing them. He (the Earl of Clarendon) must frankly admit that he was not so conversant with all the facts of this case as the noble Lord (Lord Beaumont); but even if he were, he thought he should best consult their Lordships' convenience by not following his noble Friend through all the arguments of his learned speech upon this subject, and by refraining from entering upon the defence made by the noble Lord of the family of Schleswig Holstein, whose champion he apparently was. At the time when this treaty was made, it was impossible that Her Majesty's Government should take cognisance of all the various claims in relation to it. If in the course of the business any rights were violated, the authority under whose power those rights rested, ought to have extended its protection to them. That power was the Germanic Confederation, and two of its great Powers were parties to and signed the treaty. One word with respect to those exclusions which his noble Friend complained were made by the treaty. It was incorrect to speak of that treaty as having arbitrarily skipped over various members of the Royal family of Denmark. He (the Earl of Clarendon) begged to say that the treaty was the result of the voluntary resignation on the part of the various princes of the Hesse family in favour of the Princess Marie, so far as Denmark was concerned; while in respect of Holstein the rights of the various parties were relinquished in favour of Christian, the husband of Marie. The arrangements, therefore, tended rather to the integrity than to the disintegration of the kingdom; for the kingdom of Denmark and the Duchies would thus be united under one rule. He did not think that there was any need for apprehension in respect of the Emperor of Russia. It was provided by the treaty that, should the possibility of a want of a successor become imminent, the matter should again become the subject of European arrangement. The Emperor of Russia had lately in a despatch stated that, should the question of succession again arise, he desired that it should be referred to the decision of Europe. In fact, there appeared to be no disposition on the part of the Emperor of Russia to put forward unjust pretensions. It was true that some of the families protested against the arrangement; but their right to protest was a matter of dispute, and it would have been most absurd to postpone the decision of a question affecting the peace of Europe on account of protests the validity of which was questioned.

The EARL of MALMESBURY said, that, as the Minister who on the part of England had signed the treaty in question, he could assure the noble Lord who had brought the subject under discussion before the House, that he had been misinformed and unnecessarily alarmed with respect to the consequences which were likely to flow from the treaty in question. He hoped, however, that the noble Lord would be satisfied with the explanation which he had received from his noble Friend who had just sat down. With respect to the conduct of the Emperor of Russia, and his present position in connexion with the treaty of 1851, he (the Earl of Malmesbury) would say that it was his opinion that that monarch showed considerable abnegation in having at once come forward to give up claims which he might have seen realised before the lapse of nine or ten years. In the second article of his protocol the Emperor of Russia had declared it to be his intention to abide by the spirit and the wording of the treaty into which he had entered. The noble Lord who had brought the subject under their notice, seemed to be of opinion that the Augustenburg branch of the Royal family had been ill-treated in connexion with the treaty of 1851. He (the Earl of Malmesbury) could not, however, agree with the noble Lord upon that point; but without entering into the question, he should wish to know why the members of that family, if they were of opinion that they had been ill-treated in the matter, had not, when he was Foreign Minister, put in a protest against the course which had been taken. He could safely say that from the members of that house he had received no application whatsoever, except one asking for his intercession between them and their Sovereign, after they had forfeited their property, and even their lives, by the acts of high treason in which they had been implicated. Her Majesty's Ministers had, in compliance with that request, used their good offices with the King of Denmark in behalf of the applicants. They had received what was considered an indemnity for the property confiscated by the King of Denmark. With respect to the younger branch, it had forfeited its estates by an act of high treason. That might not be any business of theirs; but it appeared to him singular that the persons who had placed their descendants in such a position, should come and find fault with the English Government, when, in fact, that Government had used its good offices to save them from a punishment which they might or might not have deserved, but which they certainly would have undergone. Though the King of Denmark had not permitted the head of the younger branch to return to his native country, he had not sequestrated his estates, and he was still permitted to enjoy the advantage of them. He could not think that any injustice had been committed by the treaty, and he remained of the same opinion as that which he held when he signed it.

After a few words from Lord BEAUMONT, in reply,

Subject at an end.

CRIME IN IRELAND.

The EARL of CLANCARTY: My Lords, the returns for which, pursuant to notice, I am now to move, will, I am sure, not be refused, on the part of the Government, as they are nearly the same as have been already furnished to the House of Commons. My object in desiring that they should be laid upon the table of this House is, that your Lordships may be enabled by statistical evidence, not only to judge of the salutary influence of education generally upon the social and moral character of the population, but also, comparing the results of the different systems of education in operation in different parts of the empire, correctly to determine which is the most beneficial. The paper I hold in my hand is the return I have alluded to, made to an Address of the House of Commons, showing for each of the years, from 1841 to 1852 inclusive, the number of committals for crime in England and Wales, and the number of the persons committed in each year who could neither read nor write, and giving the like information with respect to Ireland. As it regards England and Wales the return is most satisfactory; but as it regards the case of Ireland, I am sorry to say it is quite the reverse. Your Lordships are aware that within the above period of twelve years the population of England and Wales has very largely increased; and yet, by this return, it appears that the actual amount of crime was less by 250 cases in 1852 than in 1841. And that this has been mainly owing to the progress of education may be fairly inferred from the fact recorded in this return, that at the end of the first eight years of this period, the centesimal proportion of criminals unable to read or write had diminished from 33·21 in the year 1841, to 31·93 in the year 1848. For the four subsequent years it is to be regretted that no official record had been kept of the state of instruction of persons committed to prisons in England and Wales. The return, however, as far as it goes, affords a gratifying evidence of the progress of education and concurrent diminution of crime. This, my Lords, is not the result of any compromise of religious principle, or setting aside of the Bible in the education of the people, but of religious and secular instruction being invariably combined in all the schools receiving support from the State, and of the Word of God being, in almost every school, received as the true foundation of religion and morality. Now, my Lords, how stands the case with respect to Ireland? Your Lordships are aware that the population of that country, instead of having increased, has been greatly reduced from 1841 to 1851; that, nevertheless, throughout that period the National system of education in Ireland has been continually favoured with large and increasing grants of public money, each increase having been applied for on the pretence of the success and great development of the educational system. Let us, however, see what this return says with respect to the state of crime in Ireland, which education should, as in England it has done, tend to lessen. It appears, that out of a population of between eight and nine millions in 1841, there were 20,796 committals—a large number certainly, but very small compared with the return for 1851, when the population having fallen to between six and seven millions, the number of committals for crime had increased to 24,684. Such is the plain fact, authenticated by the signature of the Inspector General of Prisons. Notwithstanding the vaunted success of the National system of education in Ireland, the cases of crime in 1851, with a population diminished by about a million and a half, are actually more numerous by 4,000 than in 1841, But your Lordships may, perhaps, say that this is not owing to any defect in the education system, but rather a consequence of the demoralising effects of the famine. My Lords, I admit that, to a great extent, the proportion of crime to population may be varied by such circumstances. But this return clearly establishes the connexion between crime and ignorance; for we have, of the 20,796 persons committed for crime in 1841, 34·41 as the centesimal proportion unable to read or write, and of the 24,684 persons committed in 1851, the greatly increased centesimal proportion of 48·68 illiterate persons. It is undoubtedly strange that while the Commissioners of National Education, year after year, triumphantly report their increasing number of schools and school children among a diminishing population, there should be found a positive increase of crime; and that of the criminals, the number incapable of reading or writing should have increased from 7,155 in 1841, to 12,018 in 1851; yet, such is the unquestionable fact. To me it is less a matter of surprise, as at the commencement of the Session I pointed out to your Lordships how fallacious were the numbers of children reported as under education at the Irish National Schools; that the actual numbers in attendance were considerably less than half what were reported, and that of those who did attend the greater part were withdrawn much too early to turn to any account the instruction they might have received. Another cause, I may observe, would also operate to withhold from the country the benefits that education should confer, and that is, that the Bible is practically excluded from the National Schools, and that, under the regulations of the National Board, the education of the poor is conducted without any foundation for religious and moral training. My Lords, I shall not now trouble your Lordships by entering more fully into the question of education in Ireland. I may, however, observe, that having, when I last addressed your Lordships upon the subject, shown from the census returns of 1841, that during the first decimal period of the National Board, the proportion of illiterate persons had increased, the returns I am now asking for will go far to show that in the succeeding decimal period of the operations of the Board, there has been a further growth of ignorance. In endeavouring to direct the attention of your Lordships and of Her Majesty's Government to the subject, I trust I need not assure your Lordships that I have no other object but the public interest, the cause of truth, and the future welfare and improvement of my unfortunate country. I know how distasteful it must be to noble Lords opposite, and indeed to those noble Lords on this side of the House who lately held the reins of Government, to hear a system of education decried to which they have given so cordial, so persevering, and so exclusive a support—a system which has been for many years maintained, and by successive Governments, with as much devotion, as much blindness, and almost as much intolerance of any other system, as the Church of Rome is at this day upheld by the Tuscan Government. But whatever impatience my advocacy of a more liberal policy may create—whatever indifference or prejudice it may have to encounter—I cannot think, as some do, that there exists in either Parliament or Government a wilful purpose of keeping Ireland in the subjection of ignorance; and while I believe that there are ears open to the claims of justice, I shall continue to urge, as opportunity offers, the righteous claims of Ireland to have her educational system inquired into, and the true interests of the Irish poor in this matter fairly considered, instead of being perpetually sacrificed at the shrine of some political expediency. Before sitting down, I would beg to remind Her Majesty's Ministers that it is now about three months since I moved for certain returns connected with education in Ireland, and that they have not yet been produced. I cannot but think that since the Government have screened the National Board from a Parliamentary Inquiry into its operations, by refusing the Committee lately moved for in the House of Commons, it is peculiarly incumbent upon them to take care that any information called for by Parliament is promptly afforded, and also that their annual reports should be communicated to Parliament with greater regularity. It only remains for me, now, to move as I have given notice for.

The EARL of ABERDEEN said, he had no objection to the production of the Returns.

Motion *agreed to.*

BURIAL-GROUNDS BILL.

House in Committee (according to order).

The EARL of SHAFTESBURY said, it was hardly necessary to detain their Lordships by statements of the necessity of this measure; it was as great, if not greater, in the country than in town. The present Bill was to provide a remedy for acknowledged evils, and he brought it forward as an official measure with the concurrence of the President of the Board of Health. The difference between the Metropolitan Act and this was, that this extended to all towns under the Public Health Act, and was merely an enabling Bill, giving to local boards the requisite powers to form new cemeteries where they were needed within their respective jurisdictions. The Metropolitan Act was confined to London, and embodied a scheme for effecting extramural interment by a commission. It failed, however, because the powers given by Parliament were not sufficient. At present local boards under the Public Health Act were in the anomalous position that they were wholly unable to form a new cemetery, whatever might be the condition of the burial grounds within the district; while places not under the Act had the power to form a new cemetery under the Diseases Prevention Act. Now no new power was claimed by the general Board, though new means and powers were given to local boards. The first clause contained the pith of the Bill, which prescribed that, on a certificate of the Board of Health, the provision of burying grounds should be one of the purposes of the Public Health Act. The sole power the Board would exercise, was one which it already exercised on all permanent works, drainage, water, &c.—that of giving or withholding permission to mortgage rates for the purpose. This was the supplement or completion of local boards, the very reverse of centralisation, as it separated and localised authority; the want of it, indeed, had been an obstacle to the reception of it by many places.

Amendment made: The Report thereof to be received on *Thursday* next.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, June 3, 1853.

MINUTES.] PUBLIC BILL.—1° Parish Vestries.

THE MEDICAL PROFESSION.

LORD DUDLEY STUART said, he wished to ask the noble Lord the Home Secretary, whether it was the intention of the Government to introduce a Bill during this Session of Parliament for the better regulation of the laws relating to the profession of physic and surgery; whether it was the intention of Her Majesty's Government to introduce a Bill empowering Her Majesty to grant a new charter of incorporation to the Royal College of Physicians of London; whether, in conformity with the Pharmacy Act, there had been submitted for approval to the Home Secretary by-laws for the regulation of the Pharmaceutical Society of Great Britain, and whether those by-laws had been approved of; whether there had been forwarded to the Home Secretary the opinion of counsel declaring those by-laws to be illegal and unjust, and contrary to the spirit and intention of the Pharmacy Act of the last Parliament?

VISCOUNT PALMERSTON said, in answer to the first question of his noble Friend, he had to observe that the present condition of the medical profession in this country was one that required considerable regulation and amendment. It was, in fact, a labyrinth and a chaos, owing to the many different sources whence degrees and licences to practise in the different branches of the profession arose. The question was very complicated, and he certainly had no hopes of being able to bring forward a measure which would embrace the whole subject this year. With regard to granting a new charter to the College of Physicians, he hoped to be able to bring in a Bill in the course of the present Session which should either enable that body to work efficiently, or which should incorporate the charter which was required to be granted. With respect to the Pharmaceutical Society, he had had a code of by-laws submitted to him, which was now under consideration. There were persons who objected to that code, and those persons had sent to him a legal opinion on the subject—in fact, the opinion mentioned by his noble Friend. But it should be remembered that that opinion was founded upon a case stated by those who objected to the by-laws, and the House must, of course, make some allowance in consideration of that circumstance. He would, however, endeavour to ascertain from an impartial authority whether there was any good foundation for these by-laws or not.

GOVERNMENT OF INDIA.

SIR CHARLES WOOD:* Mr. Speaker, I hope, Sir, considering the importance of the subject which it is now my duty to bring before the House, that I shall not be thought unreasonable if I ask for even more than the usual indulgence which on many former occasions it has been my good fortune to receive. I have had at various times to submit to the consideration of the House questions of considerable importance—at one time, the state of the Navy of this country—at another time, what I believed to be the whole state of Ireland —at another, the condition of our West India Colonies—and on different occasions the state of the finances of this country; but I never have had, and no man can have had for the last twenty years, to bring forward a question of such paramount importance as that of the whole state of our Indian empire—not in one branch, but in all its branches—and to explain every portion of the measure which I shall conclude by asking leave to introduce for the Government of India, and which is one affecting, either for weal or for woe, the destinies of 150,000,000 of our fellow creatures and our fellow subjects. It is no wonder, then, if I feel oppressed by the magnitude of the subject, and I fear that I shall find it impossible, however inadequately and imperfectly I may perform the task I have to discharge, not to trespass on the patience of the House for some considerable time. I have to meet also, first, that opposition which, from the threatenings that have exhibited themselves on former nights, I have reason to anticipate, arising out of a desire for delay in respect to legislation on this subject; and, in the second place, I cannot but anticipate opposition upon the substantive merits of the measure. I must deal separately with these two classes of objections, differing in their character, and to be met with different arguments. I trust, Sir, that the course of delay will not receive any general support in the House; but with respect to the second point I have referred to, I must, of course, expect a difference of opinion, knowing that very opposite views, and of a reasonable character, do exist on so important a subject. I have the satisfaction, however, of entertaining the most perfect confidence that no party feeling will be allowed to enter into the discussion of this mighty question. For differences of opinion—for fair arguments in opposition to his own views, every man must be prepared; but the stake is so great, and the interests of our Indian empire are so vast, that I am certain, whatever differences of opinion may exist, that the discussion will not be allowed by any one to degenerate into a contest of party feeling, or to be embittered by party pirit.

Having said thus much by way of preface, I trust, looking to how many topics I must necessarily touch upon, that the House will permit me at once to address myself to the suggestion which has been made for delay in our legislation for India. The House is doubtless aware that the Act which at present provides for the government of India expires on the 30th of April next. It is, therefore, indispensably necessary to legislate in the course of the present Session. No one would risk the passing of an Act of this kind, considering the important business which usually occupies the beginning of a Session, by postponing legislation on such a subject till next year. There is no alternative, therefore, but to propose a measure providing for the future Government of India, or to adopt a course which has been suggested at different times—namely, to pass a temporary continuing Bill, leaving for future discussion in the next Session of Parliament, any measure for more permanent legislation on the great question of the Government of India. Considering what we all must expect to take place in the course of next Session, such a course, I think, would be exceedingly unwise and unsafe. The right hon. Member for Buckinghamshire, I recollect, stated, as an objection to the present Act, that it was passed in the midst of the excited feeling which accompanied the Reform Bill. We must now bear in mind that the Government stands pledged to introduce a measure on that subject in the course of the next Session. Whatever that measure may be, it cannot but be one which will fully occupy the attention and interest of Parliament and of the country. What the state of our foreign relations then may be no man can tell: I know not that we can possibly look forward to a period of such quiet and tranquillity as we at present enjoy, in which there exist so few circumstances calculated to disturb the calm and deliberate consideration of this vast subject of the government of our Indian territory. It therefore seems to me not only desirable, but imperative on us, to avail ourselves of this most favourable opportunity of dealing with this great and important question; for, doubtless, no subject can well be more important, or so important, as the determination of the mode in which our Indian empire shall be in future governed.

At the same time, the measure which I have to submit for your consideration is, so far as legislation goes, comprised in a very small compass. I may have much to state, and I should not be acting fairly by the House, if I did not explain the views of Her Majesty's Government on many questions not comprised in the Bill which I propose to bring in; but, I repeat, that so far as legislation is called for, the Bill will be small in compass, and, with trifling exceptions, confined to one subject only, namely, the form of the government of India at home and in India. That was the branch of the inquiry which my right hon. Friend opposite laid before the Committee last year as the first subject for their consideration—namely, "the authorities and agencies for administering the government of India at home and in India respectively." This subject was inquired into at considerable length by the Committees of both Houses last Session; and so far had that part of the inquiry been, I will not say actually, but apparently terminated, that at the commencement of the present Session the Committee of the House of Commons proceeded to the next head of inquiry; and my right hon. predecessor in the office which I now hold stated, on moving the reappointment of the Committee in November last, that it was his intention to propose to Parliament to legislate on the subject in the course of the present Session. We have heard in the course of the last few weeks four witnesses further on the matter. The evidence of two of them is already in the hands of the Members of this House, and the evidence of the other two was presented yesterday; but I do not think it at all necessary to wait till that evidence shall be delivered. Of course, before the Bill can possibly pass through the House, that evidence will be in our hands, and every Member will be in possession of as much information as the Committee possesses, and will be in a condition, therefore, to decide fully on all matters connected with this question. No person, I think, will deny that it is most inexpedient that any unnecessary delay should take place, and that so great a question as how our Indian empire is to be governed, should be left in a state of suspense even for a short period. Suspense in questions of Government cannot but be a source of evil. It becomes us therefore to see whether there is any argument in favour of delay so unanswerable that we are bound to incur the risk—for that there is risk in delay, no man, I believe, denies. The arguments mostly relied upon in favour of postponement, though plausible, seem to me, I confess, to be utterly without foundation. We are told that, before we legislate, even with respect to the governing bodies for India, we must wait until we have concluded all the portions of our inquiry—until we have terminated our investigation into the seven other heads, each of great importance, and branching out into various subjects, all requiring, at the rate at which our investigation has hitherto proceeded, no inconsiderable period for their completion. These, however, are not in general matters that require legislation here; but the greater part of them must necessarily be dealt with by measures either of administration or of legislation in India. I have no wish or disposition to close the inquiry. I think that, for the information of this House and the country, and of the Government, both here and in India, it is desirable that our investigation should be proceeded with; but there is no reason, on this account, for postponing our legislation with respect to that matter on which our inquiry has been concluded, and on which legislation can now, and without difficulty, take place. If, before we legislate on the form of government for India, we are to investigate all the other subjects, and at our present rate of proceeding, I do not see what term there would probably be to the length of the inquiry, or when we should have a prospect of legislating at all. Certainly not for a period beyond that which any reasonable man has hitherto proposed for delay. The hon. Member for Knaresborough the other day urged delay on the ground that the inquiry into many branches was not completed; but I am sure he succeeded in convincing the House that he, at least, stood in no need of information on the matter to which he referred. He went, for instance, at some length into the military arrangements of India, adverted to the small number of officers with their regiments, and called for some amendments in the practice in that respect. It may be, and I believe is the case, that the number of officers with their regiments is constantly too small. That is a subject which, no doubt, requires looking into, and may call for the attention of the Commander-in-Chief or the Adjutant General; but it does not require legislation in this House. It may be necessary to send more officers to the regiments in India, or to withdraw fewer officers from them, when there; but that is a matter, I repeat, not requiring legislation in this House, but orders from the authorities regulating the military arrangements in India. The Committee has, this Session, inquired into the military branch of the subject, and then we proceeded to the next head, that of the judicial establishments, and the administration of justice. On this head most of the Members of the Committee thought we had taken sufficient evidence, and were satisfied to close the inquiry; but my hon. Friend behind me (Mr. Hume) told us that even then we were only on the threshold of that part of the subject. The House may judge, therefore, what prospect of legislation there would be, if it is to be postponed till the inquiries of the Committee are closed, and if these inquiries are to be conducted in the manner and at the rate recommended by those who are the principal advocates of delay.

Again, it does not appear to me that any great advantage would be gained by waiting for evidence from India. I believe that with respect to the subjects which have now been inquired into, and which are the only matters introduced into the proposed Bill—such, for instance, as the relations between the Board of Control and the Court of Directors, the constitution of the Court of Directors, or the abolition of that Court—we are better able to decide than any witnesses who could be brought from India. On many topics, such as the want of public roads, and of irrigation, the tenure of land and the taxation in India, we might perhaps obtain further information from that country; but all these points have been brought before the Committee by witnesses already heard, or by representations laid before the Committee; and I do not see that any new light or additional information is likely to be obtained, beyond what we have already got in substance, by waiting for fresh evidence from India. At any rate, the information, if any were so obtained, would have little or no bearing on the question which I have now to submit to the House; for, I repeat, those matters are subjects for legislation, or administration in India, and are not subjects which can possibly be settled by legislation in this House. The hon. Member for Poole has asked if Her Majesty's Ministers were prepared to deal with the question of the form of government for India, not being in possession of all the evidence which may be given to the Committee; but, if I am not mistaken, the India Reform Association, of which my hon. Friend is Chairman, has made up its own mind on this subject of the government of India, and has announced its intention to oppose any plan which is not founded on the basis of what is called "single government," and which does not utterly put an end to the Court of Directors. They, then, require no further information, no further time, to enable them to come to a decision on this question. I do not object to that Association having made up its mind on this point; but, surely, the House, and Her Majesty's Government may also be allowed to have made up their minds; and I trust that, at least, the members of the India Reform Association will not urge any arguments in favour of delay. It seems to me, I must be permitted to say, that whatever plan for the government of India may be decided on—whether "the single government" should be adopted, or "the double government" should be continued or amended—it is our bounden duty to give to India, at the earliest possible moment, the best government which the wisdom of Parliament can devise. Those who attribute more blame than I do to the past government of India, and who are of opinion that much that has been ill done, or altogether left undone, is to be attributed to the existing form of government, ought to be most anxious, at the earliest possible moment, to amend that form of government. Her Majesty's Ministers are prepared to lay before the House the plan of government which, in their judgment, is best calculated to promote the welfare and benefit of India, and also of this country, as inseparably connected with the welfare and prosperity of India. Amend it, if you will; alter it, if you please; suggest improvements, if you can; but let us not refuse to India, as soon as we can give it to her, the best government we can devise for her permanent welfare. In the opinion that we are not likely to obtain much additional information from India calculated to be of service in the present stage of our proceeding, I am confirmed by the statement of a most intelligent witness, who appeared before the Committee a few days ago—a gentleman who has resided the whole of his life in India, and is better acquainted than almost any one else with the feelings and habits of the people of India — I mean Mr. Marshman. He stated to the Committee his opinion as follows:—

"For the arrangement of the general government of India, both abroad and at home, I think the Committee has received as much information as can be deemed necessary, and that nothing is to be gained by waiting for further light upon that subject. I do not think it is at all likely that by postponing legislation we should obtain further valuable information from India. I think that there can be no necessity whatever for waiting in the hope of obtaining further information from India."

Well, then, if there be no validity in the argument for delay in legislating on this subject, is there no danger in postponing legislation? I can only say that I have heard no persons connected with India express any other opinion on this point, but that, whatever we do, we ought to legislate as soon as we can. The gentleman to whom I have just referred states his opinion very clearly, "that on many grounds it appears advisable to complete the arrangement in the course of the present year." I have communicated with the Directors, the great majority of whom are connected with India, and the opinion they express is this—Settle it as you will; abolish or deal with our Court as you please, but legislate in the course of the present Session; leave no uncertainty in India. But, what ought to be of far greater importance, is the opinion entertained by the Governor General of India, Lord Dalhousie, than whom no one has ruled India more successfully, or is better acquainted with that country. After a residence of five years in India, and when his rule is nearly expired, he is both a competent and a disinterested witness, and he says, that we ought by all means to conclude our legislation at once, and not to delay: that delay is a source of weakness, and weakness is a source of danger; and, that if the people of India begin to suspect that the rule in India is uncertain and tottering, and that Parliament has not made up its mind how India is to be governed, they may begin to suspect that the existing authorities may be set at nought. That is a risk which I think Parliament would be most unwise to run. In the evidence given by Lord Ellenborough before the Commons Committee, a somewhat parallel case is mentioned, exhibiting a striking instance of the danger, in dealing with native princes, likely to result from a supposed weakness in the governing power. Lord Ellenborough states, that when he was engaged in negotiations with the Government of Gwalior, a rumour respecting the probability of his recall had been circulated in India, and led to increased difficulty in the negotiations in which he was engaged, and to resistance to his demands. Under these circumstances, and with these views so strongly expressed by men to whose opinions the greatest weight ought to be attached, I think we should have been utterly unjustifiable if we had not, at the earliest possible period consistently with the progress of the other important measures which were already before the House, brought forward such a measure as we thought the best calculated to provide for the good government of India, and promote the welfare of our Indian subjects. There are certainly many reasons of convenience, looking to the time of the year and period of the Session, for delay; but such considerations as these could not for a moment be put into competition with the reasons which I have stated for proceeding at once with legislation on this subject, and I sincerely trust, that, at any rate, the great majority of the House will agree with us in this opinion.

But, Sir, although I do not think that a minute and protracted inquiry into all the detail of the administration, and the state of every part of our Indian Empire is an indispensable preliminary to legislation on the subject of the government of India, I should not be doing my duty to the Indian Government, or dealing fairly towards the House, if I did not attempt to place before the House, as concisely as I can, what has been the result of the administration of India for the last twenty years. The Committee was appointed to inquire into the effect of the Act of 1833; and I fully admit, that if any great abuses were found to exist—if any great crimes or delinquencies could be shown, such a circumstance might affect most materially the question we have to decide. It is due, then, to the House, that I should show, in general terms, how matters have been conducted in India, what progress has been made there during the last twenty years, and how far the governing powers have discharged the duty imposed on them by Parliament. But, in making this review, we must take care that it shall be a fair and impartial review. We must not judge of Indian progress by the English standard of the present day. That would be exceedingly unjust and unfair, as it would be unfair to judge of English progress some time ago by the standard which we adopt at the present moment for measuring our progress. In India we must make allowance for a difference of race and a difference of circumstances. We must look at India with somewhat of an Indian eye, and take into consideration all those circumstances which ought materially to affect our judgment in respect to Indian questions. In this country we know that there is every possible stimulus to active exertion both public and private—public ambition, private rivalry, large capital, general education, and every motive which serves to make an energetic race urge on, in every way, and on all subjects, progressive improvement at a most rapid rate. No prejudices, no antiquated habits or customs are suffered to interfere. In India, on the contrary, you have a race of people slow to change, bound up by religious prejudices and antiquated customs. There are there, in fact, many, I had almost said all, the obstacles to rapid progress; whereas in this country there exist every stimulus and every motive to accelerate advancement. On nearly all subjects, too, I find there is the greatest difference between the various parts of India. That which is true of one part of the country, is almost sure to be untrue of another. For instance, with regard to the tenure of land, there are three or four different kinds of tenure, and those best acquainted with each invariably think that the one which they know best ought to be maintained and extended to every other part of India. We have had most contradictory evidence upon another topic—the advantage or disadvantage of enlisting in the ranks of the Indian army the high caste or low caste Hindoos. We were told by one officer that nothing is so disadvantageous as the enlistment of high caste Hindoos, while another officer expressed his decided opinion that high caste Hindoos were invariably the best soldiers. We soon found, however, that one of these officers was in the Bengal army, and the other was in the Bombay army. The circumstances of the two services are quite different; and statements which seemed altogether contradictory were perfectly true, in consequence of the different positions of the two armies. This extreme diversity of circumstances and diversity of opinion renders any general conclusion almost totally impossible as to remedies for admitted evils. Besides this, it appears to me that no inconsiderable misapprehension exists as to the progress which India has made during the last twenty years. Petitions have been laid before Parliament—documents professing to be the productions of native associations—and one of them, to which my attention was called some time ago, and which has excited considerable notice, is a petition professing to emanate from the Native Association of Madras. I should certainly have thought any statements proceeding from intelligent and well-informed natives of India, entitled to the most careful consideration; but I must say that I do not believe that this petition was either prepared or knowingly sanctioned by intelligent natives of Madras, who were acquainted with the actual state of things in that Presidency. The statements which it contains appeared to me to be of a very extraordinary nature, and the result of inquiries showed that there has seldom been such a tissue of exaggeration and misrepresentation. Those statements are utterly contradicted, not only by facts, but by documents to which the petition itself refers. For example, an enactment of the British Parliament in 1787, is dealt with as an Act of recent Indian legislation. A Report of 1837 is quoted as containing the last accounts with respect to irrigation in Madras. The petition also states that its promoters were unable to obtain official information upon certain subjects, which information is actually contained in published documents to which the petition itself refers. These mis-statements were so important that I wrote to the Governor of Madras, requesting him to make some inquiries on the subject; and he informed me that the first intimation he had of the petition, was, from seeing complaints in the local newspapers that they had been unable to obtain a sight of the document. He also tells me that at Madras, where knowledge on the subjects referred to in the petition does exist, many of the statements contained in it are known to be so utterly untrue that they excite very little attention, and are treated with the utmost contempt, although here, in our ignorance of Indian matters, they are palmed upon us as of the greatest importance. Now, I am far from saying—and I beg not to be misunderstood on this point—that much has not been left undone that ought to have been done. I am far from saying that there have not been many sins, of omission rather than of commission, in the administration of affairs in India; but I think I shall be able to show the House that much has already been done, and that those to whom the administration of affairs on the spot has been entrusted—the local officers in different parts of the country—the Government in India, supported by the Government at home—have not been neglectful of those great material and domestic interests—domestic I mean, so far as India is concerned—which have been committed to their charge. The fact that more has not been done, is, I think, in no slight degree attributable to the unfortunate, the continual, and the expensive wars in which India has of late years been engaged. It is not for me now to express any opinion upon the policy and conduct of those wars; but this, no doubt, has been their inevitable result—that means have been wanting to carry further than has been done the material improvement of India. The points upon which the greatest stress has been laid, and which are the heads of the complaints contained in the petitions presented to the Committee, relate to the administration of justice, the want of public works, and the tenure of land. I will proceed to deal with these matters in the order in which I have mentioned them.

First, with regard to the administration of justice, the complaints relate principally to the inconvenience arising from the technicalities of English law, to the alleged incompetency of English judges, and to the corruption of the native judges and officers. So early as 1833 the difficulties of the state of the law in India were strongly felt, and provisions were introduced into the Act passed in that year which it was thought were likely to lead to an amendment of the law. Provision was made for the appointment of a Law Commission in India which was intended to prepare a code amending and consolidating the various laws and regulations in force in that country, and to establish, so far as circumstances would allow, one uniform common law for the different races of people who inhabit our territories. I am sorry to say that the result of the proceedings of that Commission has not answered the expectations which had been entertained. Principally under the care of my right hon. Friend the Member for Edinburgh (Mr. Macaulay) a penal code was prepared, which was the first complete result of the labours of the Commission. It was submitted to the consideration of the various local authorities in India. This occupied a very considerable time, and the suggestions made by them had to be revised and reconsidered by the members of the Law Commission. The revised code was sent to this country. It was returned to India, with authority to enact it with such modifications as the Government of India thought expedient, but in the meantime my right hon. Friend had come home. Some years had elapsed since the code was framed. Another Legislative Councillor (Mr. Bethune) had been appointed; he disapproved of much of half of the draft of the code, revised it with different views, and substituted a draft, differing in very essential particulars from that of my right hon. Friend. The Governor General naturally thought that though he had authority to pass the one, it was beyond his competency to pass a totally altered code. He referred it to the Government at home, by which step some further delay was necessarily incurred; and, finally, authority was sent out to the Governor General to pass the code in whatever shape he thought best. In the meantime Mr. Bethune, who prepared the second code, had died in India, and the two drafts had therefore to be submitted to the revision of a third English lawyer who succeeded Mr. Bethune as Legislative Councillor at Calcutta. He (Mr. Peacock) is a man of high character, and who is no doubt perfectly competent to perform the task; but he was naturally, on his first arrival, ignorant of many of the habits and customs of the Hindoos and of other inhabitants of India, with which it was most desirable that a person performing such a duty should be acquainted. He is at present engaged in revising the two codes, and the Government of India has the requisite authority for enacting whatever it considers to be right; but owing to these unfortunate, though perhaps unavoidable, delays, no actual result in the shape of legislation has yet been attained. I believe, however, it will be found that the labours of the Commissioners have not been altogether useless, for in many of the Acts which have been subsequently passed by the Legislative Council, the spirit, if not the letter, of their recommendations has been complied with. So far, therefore, their labours have not been without benefit to India; and I shall state to the House, before I sit down, the measures we intend to propose with the view of bringing to a practical conclusion the investigations which have been carried on for some time into the matters of legal reform, and of giving to India at an early period the benefits of the consideration which the subject has received.

With regard to the complaint of the technicalities of English law, I am afraid there is some truth in the allegation. We carried with us to India that attachment to our own laws, and to our own modes of proceeding, which distinguishes—or rather did distinguish—the courts of justice, and the lawyers of this country. These laws and proceedings were, however, perfect as Englishmen thought them, totally foreign to the habits and manners of the people of India; and it is remarkable that even now it is proposed by some of the Indian reformers, to establish a class of officers for conducting magisterial business, totally distinct from those who manage the revenue and other business; thus departing still more widely from the native habits and customs, which almost universally place all authority of this kind in the same hands. I am afraid that if we look into our own proceedings at home, we shall see that we have not much right to find fault with the mode in which these matters have been conducted in India. I have now been for more than twenty-five years a Member of this House, and one of the first Motions I heard submitted to Parliament was a proposal to reform the Courts of Chancery —a reform which it has taken a quarter of a century to effect. When I cast my eye the other day over the report of the Law Commissioners, which has been recently presented to Parliament, I found in it a reference to two topics, the consideration of which had been recommended by a Law Commission which sat some twenty years ago, with regard to one of which no remedy has been yet provided, while the other was not dealt with until about two years ago. The one is the necessity of an unanimous verdict on the part of juries; and the other related to the admissibility of some descriptions of evidence, the exclusion of which has frequently tended in no inconsiderable degree to defeat the ends of justice. Probably many hon. Gentlemen may have seen a pamphlet written by a Mr. Norton on the administration of justice in India. No doubt Mr. Norton has succeeded in stringing together a number of decisions and results of trials which appear, as they stand, very absurd. ["Hear, hear!"] The Gentlemen who cheer as if this was a wonderful proof of the defects of the administration of justice in India, may perhaps be astonished when I tell them I have heard that one of the most eminent Judges in this country has declared his opinion, that if you were to take the criminal proceedings in this country from the first proceedings to the verdict of the jury, and the sentence ultimately inflicted under the authority of the Secretary of State, it would not be difficult to string together a tissue of absurdities equal to those contained in Mr. Norton's work. Why, it is not long since sentence of death was recorded in very numerous cases, although everybody knew that the sentence would not be carried into effect. How frequently have we found efforts made by individuals and associations to prove the innocence, and sometimes successfully, of criminals who had been convicted by the legal tribunals of the country? How often has it been necessary for the Secretary of State to pardon persons who had been convicted of offences when they ought to have been acquitted? I think, then, such cases as are mentioned in the work to which I refer, afford no very conclusive proof of the defective administration of justice in India.

I would, however, ask hon. Gentlemen to consider the different circumstances in which Courts of Justice are placed in England and in India. Here for the most part truth is told in our Courts of Justice. The Judges are generally justified in believing the evidence given in court. There may be exceptions; no doubt there are; but no man will deny that, as a general and almost universal rule, the evidence given upon oath in our Courts is true, and not false. Is that the case in India? If you believe the evidence given before the Committee, directly the reverse is the case. The chances are that the evidence given in Indian courts is false, and not true. Is no allowance to be made, then, for judges administering the law, and attempting to dispense justice, under such circumstances? It seems to me that every allowance ought to be made, and that, instead of trying to depreciate the administration of justice, or to run down those who administer the law under such adverse circumstances, we ought to extend to them every possible indulgence; for, considering the circumstances in which they are placed, I think it is rather a matter of surprise that justice should be administered with any satisfaction, than that such charges as I have alluded to should be made. Perhaps the House may not be aware to what an extent falsehood, perjury, and subornation of perjury are said to be carried in India. I do not believe that the description can apply to the great body of the people of India; but as regards many of those who appear in the Courts of Justice, we have evidence of the strongest nature showing the prevalence of these crimes to an extent which, I confess, would be utterly incredible if the statements did not rest upon authority so general and so irreproachable. Dr. Duff, a

Christian missionary, made this statement before the Committee :—

> "It is the simple fact that scarcely a single case that goes to a Court in India goes there without bribery and without perjury on all sides. I mean literally what those words denote."

A gentleman of high authority, Mr. Baillie, a pleader for many years in the Courts in Bengal, both at Calcutta and up the country, was examined before the Commons Committee; and this, after long experience, is his opinion :—

> "Oral evidence in a case is, generally speaking, plainly and palpably false. To express in the strongest way my own views, I may state that I was a pleader in the Sudder Dewanny Adawlut for twelve years. For a good many of those years I had a very large business, but I scarcely recollect an instance where I thought it worth while to comment upon the evidence at all."

Now, what says Mr. Norton, who complains so much of the administration of justice, as to the mode in which evidence is prepared, and the reliance to be placed upon it? He tells us :—

> "Informing a native of a point which it is necessary for him to prove in order to substantiate his case, is almost tantamount to bidding him go into the bazaar, where witnesses to any fact may be procured at an anna (1½*d.*) a head, and setting in motion all the secret springs of a complicated machinery of forgery and subornation of perjury."

It is then, I think, only right that a fair and full allowance should be made for the circumstances in which the judges are placed. Nor is this a new or temporary state of things, produced, as some people would have us believe, by the prevalence of English rule. I referred the other day to a charge delivered by Sir J. Mackintosh to the grand jury of Bombay many years ago, in the course of which he said—

> "Such is the unfortunate prevalence of the crime of perjury, that the hope of impunity is not extinguished by the apprehension of the delinquent. I observe that Sir W. Jones, who carried with him to this country (India) a prejudice in favour of the natives, after long judicial experience reluctantly confesses their general depravity. The prevalence of perjury, which he strongly states, and which I have myself already observed, is perhaps a more certain sign of the general dissolution of moral principle than other more daring crimes. It is that crime which tends to secure the impunity of all other crimes; and it is the only crime which weakens the foundation of every right, by rendering the administration of justice, on which they all depend, difficult, and in many cases impossible."

The evidence of the difficulty to be encountered by an Englishman in the administration of justice increases upon us as we look further into the subject. The Madras petition mentions, as an instance of the maladministration of justice, the case of a man who was convicted before a Zillah judge, but who proved to be innocent. There certainly is no doubt of this fact having occurred; but the man had been convicted, in the first instance, not upon any evidence, but upon his own conviction. You will find, if you refer to the evidence given by Dr. Duff, that he states it is by no means uncommon for persons in India to confess themselves guilty of crimes of which they may be proved to be innocent; but is a judge to be blamed if he convicts a man upon his own confession? I think there is no reason to doubt that justice is fairly and impartially administered by English judges in India; and that, in reviewing their conduct, we ought to make allowance for the circumstances I have mentioned. It was stated that judges were placed upon the bench in India at a very early period of life; that young and raw Englishmen who had just arrived in India were made judges of appeals from the decisions of the native Courts. Sir G. Clerk, a gentleman well versed in the affairs of India, and who served for a long time in various parts of that country, distinctly stated that, so far as he knew, such could not be the case. It is, however, true that sometimes gentlemen of no long standing in the service, acting as assistant judges, to try such appeal cases as are assigned to them by the judge, that officer taking the important cases, and assigning the smaller ones to the assistant. The judges themselves are generally servants of twenty years standing or upwards. On referring to the Bengal judicial appointments, I find that the youngest judge on that bench has been twenty-two years in the service of the East India Company. Perhaps the most satisfactory evidence that can be laid before the House on this subject is that of persons who depose to the implicit confidence reposed by the natives in the English judges. It is shown by the decisive testimony of different persons that this is the almost unanimous feeling among the natives. No one who has appeared as a witness before the Committee appeared to be better acquainted with India, and with the Indian service, than Mr. Halliday; and he says :—

> "As far as regards the integrity of the judges, the confidence of the natives is complete; they have little or no notion of the possibility of corrupting an English judge. I know from constant intercourse with the natives, from the very commencement of my service in India, down to a very recent period, that they look upon the incorrupti-

bility of an Englishman, his truthfulness, and integrity generally, as something quite by itself."

Mr. Marshman informs us that—

> "The general impression throughout the native community, with two or three exceptions, is that the English judges are absolutely incorruptible."

Mr. Baillie, the pleader to whom I before referred, says—

> "The native has a general feeling against the honesty of all judges. I think that general feeling has given way entirely; and I think, as a general rule, the native believes that an English judge is usually honest."

Mr. Javenjee Pestonjee, a Parsee merchant from Bombay, says—

> "There is no question about the integrity and the morality of the civil service. There are many civil servants who are quite competent and thoroughly understand the duties of their office; those even who do not possess a knowledge of the law, are willing to discharge the duties of their office with impartiality."

It must be remembered that in this country we have one language and one law, while in India there are many languages and many laws. To each man in India, to the best of the judge's ability, is administered the law of his nation. The Mahomedan law is administered for the Mahomedan, the Hindoo law for the Hindoo, and for the natives of all parts of the world the law of their respective countries, so far as it can be ascertained, is administered; and the House will see at once how infinitely great must be the difficulties of administering such a varied and complex system. As regards the competency of the Indian judges, that is a very difficult question for us, sitting in this House, to decide. Nevertheless, it happens that we are able to test, to some extent, the competency of these judges fitly to discharge the duties of their office, by observing how their decisions are dealt with when they reach this country. A return has been presented to the House of the decisions of the Privy Council in appeals from India. The appeals come from two Courts, namely, the Supreme Court, presided over by Queen's judges, who are barristers of some standing and reputation from this country, and the Sudder Courts, presided over by the Company judges—civil servants who have spent their life in India, and have ultimately been raised to this high judicial office. The appeals comprised in the return to which I refer have been decided since 1833. There have been ninety appeals from the Sudder Courts, of which sixty-three have been affirmed, and twenty-eight reversed, being in the proportion of two-thirds to one third. The appeals from the Supreme Court have been thirty-six in number, of which ten have been affirmed, and twenty-six reversed, being in the proportion of one-third to more than two-thirds. The House will observe that in the two cases the proportions are reversed—of the decisions of the Company's judges two-thirds have been affirmed, while of those of the Queen's judges only one-third has been affirmed. Looking at these results, and that the judges of the Sudder Courts are chosen from gentlemen who have sat as judges in the various country districts, I am not disposed to come to the conclusion that the Company's judges are utterly incompetent efficiently to discharge their duties. As regards the native judges, there is, I fear, some truth in the assertion that they are, to a certain extent, tainted with impure and corrupt practices, the remains of the ancient system of administering justice. It, however, is most satisfactory to find, from the evidence of Mr. Halliday, that of late years a great improvement has taken place in the practice of the native courts, and that the Judges are gradually being raised above the temptations to which they formerly yielded. Mr. Halliday says—

> "The (native) Courts themselves, within my observation and knowledge, have manifestly improved in regard to integrity and trustworthiness."

This circumstance is of more importance than might, at first, be supposed, because, in consequence of the increased employment of natives in the judicial service, a large proportion of civil suits are decided, not by English, but by native judges. It appears, by the evidence of Mr. Hill, who is at the head of the Company's legal department at the India House, that only six or seven per cent of all civil suits are decided by English judges, the remainder being disposed of by native judges; and, taking original cases only, not more than one per cent is decided by English judges. I say, therefore, that this statement is satisfactory in two respects: first, as showing the great extent to which natives are employed in that branch of public business for which their service seems most available, namely, the administration of justice: and, secondly, as affording evidence that the native courts are gradually improving, and approaching to the purity as well as the ability of the English tribunals. Beyond the very general employment of natives in the administration of justice, they are now constantly employed in higher situations than formerly. They have been frequently appointed deputy magistrates, and Lord Dalhousie took the unprecedented step of appointing a native to a situation of considerable importance in Calcutta. Mr. Halliday states in his evidence:—

> "Lord Dalhousie appointed a Hindoo of high caste, high family and character, stipendiary magistrate of Calcutta, much to the annoyance of the English applicants for the situation; but the natives especially exhibited their jealousy and dissatisfaction in so many ways, that the person appointed complained to his friends of 'the bitterness of his position, and the pain and misery which had been brought upon him by the constant attacks, public and private, and the annoying petty jealousy which he had experienced from his countrymen in consequence of his elevation.'"

It is disappointing to find such results from the appointment of a Hindoo to a higher situation than had ever before been filled, except by an European; but this is no reason for not appointing a native to such an office. I am most anxious that natives should be employed as extensively as possible in situations for which they are fitted; and that they should also be gradually appointed to higher situations than they have generally occupied hitherto; but it is obvious that there may often be difficulties which do not occur to one at first sight. It cannot be agreeable to a native to be placed in an employment in which he becomes an object, not of envy, but jealousy, to those around him, who, had they our feelings under such circumstances, would be proud of their countryman's elevation.

I pass now to the question of public works. This is, certainly, a subject of the greatest importance, as regards not only the welfare of India, but the interest of this country. It has been earnestly pressed, not only on my attention, but on that of those who have preceded me at the Board of Control, by gentlemen interested in one of the largest branches of English manufacture—namely, that of cotton. When these gentlemen did me the honour of waiting on me, they took what seemed to me the unnecessary trouble of apologising lest they should be supposed to have been actuated solely by selfish motives in pressing the matter on the attention of the Government. It certainly never occurred to me that they were actuated by such a motive. It is, undoubtedly, an object of the greatest importance to this country to increase the supply of cotton in every possible way. It is a great evil—and one to be avoided, if possible—to be dependent on one country alone for the supply of a staple article of manufacture employing many thousands, I may say millions, of our population. So far from complaining of the gentlemen to whom I have alluded for having stirred this question, I think we ought to be grateful to them for having called the attention of the Government of India and of this country to a subject of such vital importance. I have already explained that, in consequence of the large expenditure caused by the political situation of India for some years past, the Indian Government has been unable to devote as large a portion of the revenue to works of public improvement as—even for the interests of the revenue itself—might be advantageously applied to such purposes. On the whole, however, this subject has attracted, and is attracting, more and more consideration, year by year, and day by day. I hold in my hand some statistical details, which will be laid before the House very shortly, and which afford satisfactory evidence of the increased attention which is devoted to the question of public works. This document shows a great increase in the funds appropriated to public works during the last fifteen years. The average of the first five years of the period was 250,000*l.*; of the second five years, 240,000*l.*; and of the last five years, 400,000*l.* This account, though it affords a fair criterion of the increase of late years, does not, in truth, give a fair representation of the actual expenditure in these years. The total expenditure, including the cost of establishments, convict labour, and other items, not embraced in this account, amounts, for the last year, to upwards of 700,000*l.* Taking the account as it stands, however, as a measure of the comparative expenditure of former and recent periods, there has been an increase of about 40 per cent in the expenditure on public works in the latter years.

Another great subject of complaint has been the deficiency of roads; and here I must confess at once, that in many parts of India the means of communication are deficient. On the other hand, more has been done in this way than hon. Members are, perhaps, aware of.

Allow me to refer to accounts of what has been done in this respect in the various Presidencies.

The great trunk road to the Upper Provinces, and the furthest extent of our territory, is already open from Calcutta to Kernaul, 78 miles beyond Delhi, in all 965 miles, and in two years it will be completed to Peshawur—1,423 miles. It is a macadamised road, "smooth as a bowling-green," upon which carriages go at the rate of ten miles an hour; serais and provision depôts have been established at convenient distances, and there are guard-houses and police stations every two miles; the road is watched and patrolled night and day, and it is calculated that an officer of some sort is employed for every half mile. Mr. Raikes states that in his district, notwithstanding "parties of wearied merchants are spending the night all along the road under the canopy of heaven," the losses by robbery were *nil*, and those by theft no more than 4*d*. per 100*l*.

In the Presidency of Madras, the great western road to the borders of Salem and Bangalore from Madras has been put into proper repair; the traffic upon this road is larger than that of upon any other road in India, and the cost of carriage has been reduced one-third since 1846.

Three different trunk roads have been made or repaired, opening Mysore and Coimbatore to the west coast. Cotton from Coimbatore now goes to Ponany, a port on that coast, instead of being carried to Madras, and the carriage of it has already been reduced from six to two rupees per bale of 300lb., making in many cases the whole difference between profit and loss in the export. In Canara, where in 1831 wheeled carriages were unknown beyond the town of Mangalore, 508 miles of good road are completed, and six excellent ghauts are now open. The exports of cotton, coffee, &c., have largely increased, and the imports of British piece goods doubled since 1838. A good road south towards Trichinopoly has been formed.

On the other hand, wishing to conceal nothing, I must frankly admit that the great north road is in a very bad state; but 240 miles of canal along the line will be opened in connexion with the Godavery and Kistna works, and Colonel Cotton says, therefore, it is quite out of the question at this moment to waste any money on this part of the road. District roads are generally wanting in this Presidency, but their state varies very much in different parts of it. In Salem, Madura, Tanjore, and Canara, they are good. In Bellary and Cuddapah, together half the size of England, and growing cotton and indigo, they are altogether wanting, there being only thirty miles for the whole. A direct line to Cuddapah has been sanctioned, and a pass on it opened; so the want, as regards a great line of communication, will soon be supplied. I do not for a moment mean to say that many public works are not required; but still I declare with truth that much has been done, much is in progress, and that as soon as funds are forthcoming, the Government will apply them to the purpose of opening and improving the communications from the interior to the coast. These are the roads which are much more important for the benefit of commerce, and improvement of the country, than the north line which runs parallel to the coast for nearly all its length. I have here an extract from the *Scindian* newspaper, which shows that even in this, our last acquisition, great attention is paid to the construction of roads and canals. In the interior of the country, the roads for conveying the produce are by no means so bad as some persons would have us to believe. In reference, for instance, to the great cotton-growing districts in the Bombay Presidency, Mr. Davies, the Collector of Broach, reports in 1849, that—

> "There are no macadamised roads, and no materials wherewith to construct them, yet nowhere throughout the Presidency is communication so well kept up, not only on the great lines of traffic, but between village and village, and nowhere is the number of carts greater in proportion to the population."

And Mr. Bell says that in Candeish—

> "There is a passable and often an excellent cart road in many districts from every village to its neighbour. The main Bombay and Agra road is in excellent order; the traffic and travelling on the cart roads is constant during the fine season; the province abounds with fine cattle, and carts for burden and for locomotion are in general use."

Such is the account of the ordinary roads in the great cotton-growing districts of the Presidency of Bombay. Great part, however, of the Indian cotton is grown in the interior of the country in native States, and for the purpose of bringing this cotton to the coast at such a cost as would render it profitable to do so, common roads are inadequate. I believe that for the transport of cotton from Berar to the coast, a railroad is necessary. It becomes doubtful, therefore, whether it is worth while to expend large sums on trunk roads. Indeed, it is probable that the great trunk road, to which I have before referred, leading from Calcutta to the upper provinces will, in a great measure, be superseded when the railroad is completed. In reference, however, to this important question—the construction of railroads in India—I cannot here avoid expressing my opinion that the Indian railroads, although there was, perhaps, some delay in the first instance, were commenced without sufficient consideration. The consequence has been that in the case of both the great railroads, it has been found necessary to change the line originally laid out. In the first instance it was intended that the line from Calcutta should run along the old road through a comparatively wild and uninhabited country; but after it had been carried to a certain point it was wisely determined that it should run along the line of the river, and through the most populous parts of the country. The direction of the line from Bombay was also changed after the works had been commenced. It was planned and commenced on the supposition of its being carried over the Malseg Ghat, which on survey has been found to be impracticable; and it is now proposed, instead of attempting this passage, to carry it over two other Ghats, and to pass the ridge in two places instead of one. This change of purpose has fortunately been determined on before any part of the line, of which the first portion has been opened, had been carried beyond the point where the deviation would commence; but I refer to these circumstances for the purpose of showing how important it is not to begin a line until all circumstances connected with it have been fully and maturely considered. There is no person more competent to form a correct opinion on this matter than the present Governor General of India. He made himself master of everything connected with railroads when he was President of the Board of Trade in this country; and I believe that, as regards several railway undertakings here, great advantage would have resulted from following the suggestions made in the able report to which that noble Lord's name is attached, and which was for our assistance laid on the table of the House. My right hon. Friend who preceded me in office did well, I think, in referring the whole of these questions connected with Indian railways to the consideration of the Governor General, for of all men in Europe or Asia he was the most competent to form a correct judgment on the subject. I expect a final report from the noble Lord by the next mail. Looking to the vast importance of the question, I have thought it right to defer any decision on the subject until I receive Lord Dalhousie's report. On receiving it I can declare, on the part of the Court of Directors and myself, that no time shall be lost in carrying the railroads through with as much rapidity as the means at our disposal will allow of. It is indispensable that the great lines—I will not speak of them as they have been hitherto called, experimental lines—should be completed as soon as possible to their proper termini, and no expense shall be spared to effect that object.

Another part of the public work which is of the greatest importance, is the irrigation of those parts of India which require artificial aid to render them productive. This is one of those points on which the statements contained in the Madras petition are most signally false. The petition states that nothing has been done in the Presidency of Madras to promote irrigation, and it quotes "the latest published Report of Captain A. Cotton upon the Tanjore district," as the petition calls it, to the effect, that millions of gallons of water are daily running into the sea, uselessly and wastefully down the Coleroon, which, if properly employed, might bring fertility and plenty to the district; and the authors of that petition would have the people of this country believe that such is the case at the present time. Now will the House believe that the report was made in 1837, about fifteen or sixteen years ago; that works for damming the Coleroon had even then been commenced, and were completed in 1841, twelve years ago, and by which upwards of 1,000,000 acres have been irrigated. The success of that work was so complete that another similar work was immediately commenced on the Godavery, which I believe will be finished in the course of the present year. In the last report on the public works which has been received in England, and which has, I think, been laid upon the table of the House, I find the following passage with reference to the works on the Godavery:—

> "A river exceeding two miles in actual width, besides the islands, which at that point divide it into four branches, and running over a bed of pure sand of unknown depth, was to be arrested in its course by a dam, 12 feet high, thrown across it, and a large part of its waters was to be distributed over an extent of 3,000 square miles by means of a network of channels; and all this was to be done in a country where such works had never been heard of before on a scale of magnitude, or at least only by tradition, and to be effected by

the agency of workmen who had to be taught almost everything."

These works in India are constantly spoken of as if they were on the same scale as those constructed in this country, and constructed with the aid of able engineers and skilful workmen; and complaints are made that they are not executed as rapidly and as well as in England. But let Gentlemen fairly consider such an account as I have just read of the character of these works, and of the difficulties attending their execution. It is most unjust and ungenerous to condemn persons acting under such circumstances for not completing the works intrusted to them as rapidly and substantially as they can be done here.. The Coleroon anicut has been finished some time; the works on the Godavery will be finished this year; the Kistna, another river in the Madras Presidency, has been surveyed, the necessary machinery has been removed there from the Godavery, and in the course of three years, when this work will probably be completed, the irrigation works in the Presidency of Madras will have extended to 3,400,000 acres of land, which will be available for the cultivation of sugar, cotton, rice, or other crops requiring irrigation. In the northern provinces the irrigation works are carried on in a different way. Instead of dams, canals are constructed. The Jumna canals, which have been constructed some time, have brought 625,660 acres into cultivation. With regard to the Ganges canals, they were sanctioned in the year 1838, but were unfortunately stopped by Lord Ellenborough on his arrival in India. Some notion was entertained that they were likely to prove prejudicial to the health of the inhabitants; an inquiry was made into this point by order of Lord Hardinge, to whom it was reported that no disadvantage whatever could accrue to the health of the district, and the works were therefore ordered to be continued. They were begun in 1848, and, according to the report of the committee of engineers they will be completed in 1856. By that time 810 miles of irrigating canals will have been constructed, and 1,560,000 acres of land will be watered by the canals in connection with the Upper Ganges. Similar works are now in course of construction on the Ravee in the Punjab, which will also be probably completed about the same time, and about half a million of acres will be watered by canals of 450 miles in length. The total number of acres which will be irrigated by the canals in the Bengal and Madras Presidencies amount to nearly 6,075.660; but even these figures do not give an adequate notion of the extent of land that will be benefited by the irrigation. As regards the districts to be watered by canals, one third part only requires the actual irrition, although the remaining two thirds derive the greatest advantage from supply of water. The above amount, therefore, is far below that actually benefited, and the total amount of acres benefited by irrigation will be between 14,000,000 and 15,000,000, or rather more than the whole cultivable area of Ireland. I see also that sanction has been given to the construction of two lines of canal from the Indus, one of them being near Shikarpoor, the other near Hyderabad. It is, no doubt, of late years that the attention of Government has been more and more called to this subject; the officers employed in the administration of the country have seen the great advantages which these works have conferred on the people, while at the time the revenue has been increased, and they are, therefore, encouraged to press them forward to a greater extent and with great rapidity. Their exertions have been approved and seconded by the Government both in India and at home, and the best security the public can have for the prosecution of works of this kind is, that they contribute to the improvement of the revenue as well as to the benefit of the people. Measures have been taken both in India and this country for putting these works on a better system than that on which they have hitherto been conducted. Formerly, they were divided among different boards, an arrangement which created great confusion. In Bengal superintending engineers have now been appointed, who are responsible for the whole of the works in their respective districts. Only the other day a despatch was sent to India, giving instructions that the whole system of public works should be placed upon a better and more general system; that an annual estimate should be prepared for the whole of the public works in each Presidency; and that a considerable portion of the revenue should be annually expended in a systematic manner on those which are the most important. I do not know that I can expect the House to listen with much patience to the details into which I must now enter with respect to the tenure of land in India. Great complaints are made by those who think that the tenure of land in the Madras Presidency interferes with the production of an article which it is desirable to import into this country—namely, American cotton. In the Madras Presidency the ryotwar system obtains, which is an arrangement made between the State and each cultivator. The land is divided into very small portions, varying from one to ten acres. The opponents of this system desire that it should be abandoned, and a description of landlords created, holding, as nearly as may be, the same position as the landlords in this country. That was a favourite system with the Court of Directors for many years—the Presidency of Bengal was settled upon it in the time of Lord Cornwallis. It is called the "Zemindary system." The Court of Directors desired that it should be extended to the Madras Presidency, and measures were taken for the purpose of doing so. Land was divided into lots, each constituting an estate of considerable size for India, and, to all appearance, landlords of the desired description were created; but, most unfortunately, this scheme turned out a complete failure. The system which now prevails in the Madras Presidency is the consequence of the failure of the attempt to create a system of large landlords. The Zemindary system is now represented as an inestimable benefit to the whole of the population. Lord Hastings did not think so. What was his account? He speaks of the benevolent purpose of Lord Cornwallis, and says:—

> "Yet this truly benevolent purpose, fashioned with great care and deliberation, has, to our painful knowledge, subjected almost the whole of the lower classes throughout these provinces to most grievous oppression; an oppression, too, so guaranteed by our pledge, that we are unable to relieve the sufferers; a right of ownership in the soil, absolutely gratuitous, having been vested in the person through whom the payment to the State was to be made, with unlimited power to wring from his coparceners an exorbitant rent for the use of any part of the land."

I quote this description to show that the Zemindary system has its dark as well as its bright side; and indeed each of the systems of local tenure has its advocates, who maintain its exclusive advantages, and condemn every other mode of tenure. It is very difficult to decide on their comparative merits. We may well hesitate before we attempt again to introduce that system into the very district where its failure has been most complete. It appears by the evidence given before the Committee of 1832 by Mr. Lewin, a gentleman very well acquainted with many parts of the south of India, that the ryotwar system was the natural and ancient tenure of land in that part of India. The person by whom it was more generally extended throughout the Presidency of Madras was one of the ablest of Indian servants, Sir Thomas Munro. There was no desire on the part of the then Government to extract large amounts of rent from the ryots—there was no imperative order for the establishment of the system; it was established by a man who had the interest of the natives very much at heart, who was better acquainted with them and with their habits and customs than most people, and who, in spite almost of the directions of the Government, established the system, believing it, in his experience, to be most certain to benefit the country. In Madras the Government stands in the relation of landlord to the cultivating ryot, and I think that the most determined advocate of tenant-right in Ireland would be charmed to see a relation between landlord and tenant introduced into that country such as that which was established in India by Sir Thomas Munro. It entirely prevented the existence of a middleman; the rent to be paid by the tenant was fixed at one-third or one-fourth below the average payments of the preceding ten or twelve years; and so long as he cultivated the land, and paid his rent, the cultivator possessed an indefeasible right to his holding. Circumstances have, no doubt, changed since that period, and the amount of rent then imposed has, I think, become too high in consequence of the general fall in the price of the produce of the country, and on this ground a revision of assessment may be desirable. The principle, however, of the ryotwar system is what I have described, and what is commonly called the annual settlement is in truth only determining how much of the stipulated rent shall be remitted to the ryots in each year in consideration of adverse seasons or other causes which render them unable to pay the fixed rent.

In the north-western provinces what is called the Village Settlement prevails, and seems, so far as we can judge at present, to answer there very well, and in consequence we are recommended by some persons to extend it over all India. Certain persons undertake on behalf of the whole village to pay the land revenue which is assessed upon it. Leases are granted for thirty years, which give them a more permanent interest in the land, and they are responsible for each other's defaults. Some of the land is cultivated by themselves, some by other persons not named in the lease from Government. The system suits perfectly those districts where it is in accordance with the old habit of the country; but it is a very different question whether it is possible to extend it to other parts of India. In Bombay, which is principally settled on a system more resembling the ryotwar plan, long leases are very generally given to the cultivators, which gives each man an interest of considerable permanence in his land. It might be desirable to endeavour to substitute the village settlement for the ryotwar system; but there are very great difficulties to be overcome in any attempt to do so. When I asked Sir George Clerk whether he thought it possible to change from the ryotwar system to the village settlement, he replied that it would be almost impossible. In the ryotwar system the landlord deals directly with the tenant; in the village settlement a certain number of persons undertake the responsibilities for their neighbours; and if persons willing to do this cannot be found, or if all parties do not agree to the arrangement, it becomes an impossibility. Hon. Gentlemen will see how very difficult any operation of this kind must of necessity be. The truth is, we have in times past committed the greatest injustice and injury by attempting to force on different parts of India a system to which their habits and customs are opposed. We committed great injustice in Bengal when we introduced the permanent settlement system there. We committed great injustice by forcing the same system on part of the Madras Presidency. We committed great injustice in our first attempts to settle the north-west provinces; and at last we have come, by dint of long experience, to this conclusion, that we must in each case endeavour to adapt our system to the local customs and habits of the natives. Everybody acquainted with India knows how exceedingly difficult it is to induce the people to depart from the habits and customs of their forefathers. Sir George Clerk, who knows the north-west provinces, who has been Governor of Bombay, and who had ample opportunities of inquiring into it, has expressed a favourable opinion on the village system; but there are many persons who entertain serious doubts respecting its advantages. All these matters, however, we must leave to the Administration of India—to the decision of those best able to judge of the wants and feelings of the people, and to ascertain what measures under the circumstances are most likely to promote their welfare. Our object must be to frame our settlements, not on what seems theoretically to be the best, but in such a manner as is most suited to the wishes and habits of the people in their various districts.

Connected with the tenure of land there is a subject to which I wish to refer very shortly—I mean the cultivation of cotton, which is universally acknowledged to be of great importance both to England and to India. Some time ago, as many hon. Gentlemen well know, all the cotton of India was of a coarse description and short staple. It was well enough suited for the Indian and Chinese manufacturers; but it was wholly unsuited to compete with the American cotton in the manufactures of this country. For some years the East India Company have taken pains to introduce the growth of American cotton, and to ascertain whether the climate of India is favourable to its cultivation. I think that happily that point has been abundantly established. For some time they established cotton farms, which, as might have been expected under Government management, turned out exceedingly unprofitable. They then undertook to purchase at a certain price all the American cotton grown by the ryots; and it is now clear that the ryots understand the cultivation of the American plant very well. On this point Dr. Wight, the late superintendent in the Madras Presidency, says—

> "Within the last two years many of the ryots of Coimbatore seem to have become so well convinced of the much greater advantages of cultivating the exotic than their indigenous cotton plant, that (unless I am greatly misinformed) they planted last season from 1,500 to 2,000 acres of ground with it, and seem as if they intended to treble the quantity in this year."

It is thus proved that the ryotwar system is no inseparable obstacle, as has been alleged, to the successful growth of cotton. But in addition to this native cultivation, three or four Englishmen have gone out to India to establish cotton plantations. I speak again on the authority of Dr. Wight, who states that—

> "On the coast, within the last three years, Messrs. David and Arthur Lees, Messrs. T. and L. Shaw, both from Manchester, and Mr. Kenrick, of Madras, have embarked in the undertaking. The aggregate extent of land under cultivation by these persons amounts, I think, to

about 2,500 acres, exclusive of smaller patches held by others, whom they have induced to follow their example."

Some time back the East India Company having, as I said, ceased to cultivate their cotton farms, they bought up the cotton produced by the ryots, at fixed prices, if not bought up by other persons. But the fact that American cotton can be grown in Madras having been satisfactorily established, I think the interference of Government ought to cease. It is their duty to provide roads and to facilitate the communication between the plantations and the port of embarkation; but the encouragement of the growth of the article ought to be left to private enterprise. I have no doubt that private individuals will be found either to take land or to make arrangements with the ryots for the delivery of the cotton grown at a certain price. The whole question is dependent on the fact whether there will be a certain market for it in this country. If there is a certainty of a market, the cultivation will be carried on. No doubt, the price to be given for this cotton from India depends on the price of the American cotton; but it ought to pay to export cotton to England, if it pays to export it to China. The exportation has increased considerably of late years, and I have no doubt, if steps are taken by the parties who are principally interested in the matter, that good American cotton may be grown to a very considerable extent. On this subject I will read a portion of a letter from a native of India which bears on the question. Speaking in reference to the growth of cotton, and the necessary interference of English capital, this gentleman (Manockjee Cursetjee) says—

> "If they are in earnest, nothing that I can see impedes their acting independently of Government; and, if they would but form themselves into an association, subscribe a sufficient capital among its members, and judiciously lay it out in farming or purchasing from the Company's Government or its allies—the Nizam and other—districts capable of being improved by such outlay, they would not only render England independent of America in respect to their cotton supplies (which appears to be their grand object), and obtain an accession to their imports of other East Indian produce, but they themselves would reap a large profit independently of the consideration of improving the moral and political condition of the people of the place. On the other hand, it can hardly be expected that the natives of India, if left to themselves, would bestir themselves in any such national undertakings, their ideas and prejudices being generally against any innovation."

That is the opinion of a very enlightened native of India, well acquainted with the feelings and prejudices of his own countrymen; and he thinks all that is wanted is that the plant should be cultivated by British capital, that the required capital should be sent out to India, as was done in the case of indigo. [Mr. BRIGHT: Where was that letter written? Was it written in England or India?] It was written in India. [Mr. BRIGHT: What is the date of it?] I am not sure as to the date. I find on looking at the paper that I have no date marked on it. Well, Sir, next comes the subject of the revenue of India. I will trouble the House but very shortly on that subject. The revenue of India is raised almost entirely by what is called a land tax, which is in the strict sense of the word not a tax at all, but is a portion of the rent of the land. All preceding Governments of India have invariably taken different portions of the rent of the land as constituting the main source of revenue, and the English Government have followed their example, and about three-fifths of the whole revenue of India is raised from this source; so that, according to the description of the able historian of India, Mr. James Mill, "the wants of the State are nearly altogether supplied really and truly without taxation." It leaves every person at liberty to cultivate his land as he pleases, and does not affect his industry in any way whatever. And again, to use Mr. Mill's words, "The wants of the Government are mainly supplied without any drain upon any man's labour, or the produce of any man's capital." In Bengal the amount to be paid from the land is a fixed charge, and the revenue is certain; in Madras the assessment varies, as I have stated; in the north-western provinces the rule has been laid down, which had been found most beneficial, that two-thirds of the net proceeds, after providing for the expense of cultivation, should be paid to the State, and that one-third should go to the tenant. The next main item of revenue is that derived from opium. In Bengal the Government pays a fixed price to the cultivator for the poppy juice, and manufactures the opium. There are then public sales of opium, and the revenue is derived from the difference between the sums realised at those sales, and the price paid for the poppy juice added to the cost of manufacture. The opium grown in the native States of India must of necessity pass through our territories to the ports of embarkation, and our revenue is levied on the passes granted for the opium so brought down. The revenue has increased to a very considerable amount from this source of late years, and it is, according to our last returns, nearly 3,500,000*l.* sterling. I have had stated to me various objections to revenue from opium, some from the moral consideration of selling a drug of this kind to another nation; but I hope to receive, in this instance, some approbation from hon. Gentlemen opposite, because we have, according to their principle, succeeded in raising the main portion of this tax from foreigners. There are objections, as I have said, urged against this tax, some of them on moral grounds; but it was inquired into by the Committee of 1832, and their report stated—

> "Although the Government monopoly must, in all probability, like all other monopolies, be disadvantageous, yet it does not appear to be productive of very extensive or aggravated injury; and, unless it should be found practicable to substitute an increased assessment on poppy lands, it does not appear that the present high amount of revenue could be obtained in a less objectionable manner."

The next large item of revenue is one to which, no doubt, considerable objections may also be said to exist, and that is the duty on salt. ["Hear, hear!"] Let hon. Gentlemen who cry "Hear" remember what has been the doctrine urged on us by great political economists of the liberal school for some years—that, whatever revenue must be raised, from some source or other beyond direct taxes on property, should be raised on as few articles as possible—that some few arricles should be selected, and the whole amount of our taxation should be put on them, and that all other articles should be left free. That view has been almost completely carried out in India, and every article of consumption is relieved from tax except salt. The customs duties are of very trifling amount, and all other articles of consumption are totally and absolutely free; and though I quite admit that it would be desirable, if possible, to reduce the duty on salt, and when we have a revenue to enable us to make the reduction, no doubt we ought to do so, yet, after all, the tax is not so very heavy as has been supposed. I see by the table before me that the average consumption of salt per head in India is about 12lbs. a year, and the duty being $\frac{3}{4}$*d.* a pound, the actual amount of duty paid by each person in India amounts to not more than 9*d.* a head per year. Now, considering the absolute freedom from all duty of any sort or kind on other articles, I cannot say this is a tax of so very oppressive a nature as it has been said to be. It is hardly worth while going into the other items of revenne, the whole revenue of India being about 26,000,000*l.* a year. [An Hon. MEMBER: Not so much.] By the last accounts of the revenue, and according to the printed papers to which I have referred, we have for the last year to which the accounts come a revenue of 25,890,000*l.* a year,

I have now, Sir, referred to those subjects which have been the general topics of the charges against the Administration of India during the last twenty years. I think I have shown that, with respect to public works, considerable misapprehension has prevailed if it is supposed that nothing has been done. I think I have shown that, with respect to the system of land settlement, which is supposed to be most prejudicial to persons holding land in India, any attempt to alter that system of tenure might, if done hastily or rashly, as we have sometimes acted in this manner, be productive of as much insecurity and injustice as has been caused by hasty though well-meant proceedings in former times.

If we look to that which has been done by us in the course of the last twenty years, I think there is much on which we may congratulate ourselves.

I find that in the last twenty years, partly by law in our own dominions, partly by influences exercised by us on other States, in the greater part of India slavery has been, in fact, put an end to.

In the year 1829 Suttee was abolished by law in our own portion of the country; in 1840 it was abolished by the Guicowar, and by the chiefs of other adjoining States; in 1846 it was abolished in Jypore by the influence of Colonel Ludlow; and eleven out of eighteen of the Rajpoot States followed the example. In 1847 Lord Hardinge announced that,—"Suttee, infanticide, and slavery are prohibited throughout the territory forming the remotest Hindoo principality of India (Cashmere)."

There was hardly any crime so prevalent among the Rajpoot States as Infanticide; in fact, it was not considered by them as any crime at all; and it is most interesting to witness the influence of a single officer in putting an end to this system of murder. This has been effected by the exertions of one man, Mr. Unwin, in a

State where it prevailed to a frightful extent. In Mynpoorie, in 1843, there was not a single female infant left alive; in 1850, 1,400 female infants were born during the year, and were alive at the end of it. Mr. Willoughby has used similar exertions, and with very great success, in Kattywar. When we remember that on this subject the prejudices of the Rajpoots were exceedingly strong, that they conceived it almost a degradation to have female children, we must take it as a strong proof of the influence of a single officer that he should have been enabled to put down a crime of this nature, so prevalent, and so rooted in the habits of the natives. I know there are many persons who have a fancy of looking back to some golden age of Hindostan, before the English foreigner set foot on the soil, when a system of law and order, of tranquillity, justice, and peace prevailed, such as has not been witnessed since; and yet I confess that the more I inquire, the further this age of gold seems to retire from our sight; and when I refer to history and to documents the most ancient I can get, I never yet have been able to discover a period when this universal peace and prosperity prevailed. In no period to which authentic history reaches can we find anything like the peace and comfort which prevail under our rule in India, and I will not go back to the fabulous days when an Indian Apollo piped to his attendant shepherds. It is within the last twenty years that the monstrous system of Thuggee was discovered and put down — a system by which murder was carried on under the sanction of religion. Could anything be more monstrous than this, that a large class of people, believing they were performing acceptable sacrifices to the Deity, should roam from one end of the country to the other, and commit wholesale murders for no object whatever, but the mere commission of the murder? On this question of the state of India in former times, I have found the assertions in some quarters, of the mischief of our rule, so strong that I have found it necessary to look back to records of those former times to see what the facts really were. I have referred not to any English historian, because he might be partial, but to a foreigner, long resident in this country no doubt, as Minister from Sweden, but still to one whose character is well known to those interested in Indian affairs. Count Bjornstjerna, quoting from the *History of Hindostan*, of Golaum Hoosein Khan, says—

> "At this time (the beginning of the 18th century) all prisoners of war were murdered—all suspected persons were put to the torture; the punishments were impaling, scourging, &c. The people in certain provinces were hunted with dogs like wild beasts, and shot for sport. The property of such as possessed anything was confiscated, and themselves strangled. No one was allowed to invite another to his house without a written permission from the vizier or rajah of the place where he lived, and the people were constantly exposed to the most dreadful plunderings and outrages. Such [continues Count Bjornstjerna] was the situation of Hindostan during the latter part of the dominion of the Great Moguls. It became still worse when Nadir Shah, like a torrent of fire, overwhelmed the country, and was perhaps most unhappy when, after the departure of Nadir, India was left in the power of the Mahrattas, whose only object was plunder and devastation. Hindostan then presented a picture of such unheard-of oppression that one shudders at the description. Thousands of examples may be found in the history of these times, of the whole population of conquered towns being massacred by the conquerors : Delhi, which then had more than 1,000,000 of inhabitants, became quite desolate after Nadir Shah's massacre, which continued seven days without intermission. Shah Abdala, Nadir's successor on the Persian throne, also left it to the pillage of his outrageous soldiery (1761), and it fell a third time a sacrifice (1767), to the power of the Mahrattas, who massacred all who could not save themselves by flight."

That is a picture of the period of the administration of the Great Mogul, and that is the period which is always quoted as the time in which Hindostan was so extremely peaceful and prosperous—a state from which it has fallen into degradation under our withering rule! We are told that justice is so badly administered under our rule, that here again the contrast with former times is very much against us. ["Hear!"] Now, I will read the hon. Member who seems to think so an article on this subject from a native paper published at Delhi : —

> "Let us give a specimen of what the English really do for this country. In former times, under our vaunted ancient kings, there were many places in this very city (Delhi) where a poor man could not venture after sunset without the chance of having his turban stolen off his head; and now a weak old man may pass in safety over that same ground with a bag containing 1,000 rupees in his hand. The roads through the wilderness were so unsafe in former days, that no one dared to travel without an armed guard, and robberies in the jungle were of constant occurrence. Now the loneliest traveller knows no fear. We often hear the praises of this king, or that wuzeer, who perhaps built a paltry serai, or laid a dawk to Cabul to provide himself with musk melons; but who does not know that our Government, by the construction of good roads, has placed the luxuries of distant places within the reach of the poorest people; then as to the administration of the laws, under the native rulers of old justice was put up

for sale, and this is now unblushingly done in the independent native States; while, under the British rule, rich and poor, black and white, Christian, Hindoo, and Mussulman, all alike obtain equal justice. The kings and rajahs of old defied all religions as they sat on the judgment seat; whereas the British study the religious scruples of every suitor, consulting the Mooftees when Mussulmans are concerned, and the Pundits in the case of Hindoos, and they do their best to discourage litigation by promoting the 'adjudication of cases in Punchayet."

I refer those who speak of the deterioration of the country under our rule to the opinion of a native writer on the subject. The hon. Member who cheers, may know better than any native; but he will forgive me if I prefer the testimony of a native editor to the information he may have on the matter.

Well, Sir, we examined Sir George Clerk, who is well acquainted with the north-western portions of India, on this subject, and he stated:—

> "On the decline of the Mahomedan Empire, every village found it necessary to repair the defences which had existed, or to erect new ones if they had none before. All Upper India was covered with bands of horsemen, Sikhs, dashing at everything, and the inhabitants only repelled them by erecting little citadels in the middle of the villages, with watchmen aloft on a high lookout. The bricks which formed these redoubts are now all taken for the houses of the cultivators. There are no such defences now to be seen in the British territories. The districts are highly cultivated. There is not a vestige of the jungles near villages."

I will refer now to the statement that, even at the present time, the condition of our territories is worse than that of those under the rule of their own princes; and I will read the statements in some recent Indian papers with respect to the condition of affairs and of existing society in native States. Let us take the State of Oude. In the *Calcutta Englishman* we read—

> "The continual warfare which distracts Oude for eight months in the year, is now carried on upon a more extensive scale than ever."

Is that a condition of things more favourable to the cultivation of the soil and the prosperity of the inhabitants of the country than exists in British India? Again, as to the Nizam's territories, it is stated in the *Madras Spectator*:—

> "The state of violence and rapine is such that capitalists do not quit their houses till they have provided escorts from their military friends."

That this is not an inaccurate representation of the state of things in the Nizam's territories is certainly confirmed by what I heard from the late Resident there, whom I saw the other day, and who had the best opportunities for knowing the real state of the case. Now, be it remembered, that it was into this very territory of Hyderabad we were told by one witness that the people of our districts fled for refuge—and when they got there this is what they had to expect. The conclusion of that evidence, however, was not a little remarkable, because we were told by the witness that these people fled to escape the technicality of English law, and it appeared that this was owing to the use of stamped paper, for they thought it would be perjury if any false statement were made on stamped, while it was not so on unstamped paper. I have often heard Rampoor, one of the native States quoted as being much better governed than any part of our own dominions; but it is curious enough that the present Nawab of Rampoor had been a deputy collector in one of our provinces, and has improved the administration of his country in consequence of the knowledge of the methods of doing so, which he had acquired when he was employed in the service of the Company. I have no reason to think that the works which have been executed by native princes are at all superior, or, in fact, can at all compete, with those works—bridges, canals, and roads—which are executed by our Government. No one is better acquainted with the ancient history of India than Sir H. Elliott. No one is better acquainted with the administration of the north-western provinces of India than Sir H. Elliott is. Here is what he says:—

> "To the North-western provinces, at least, cannot be applied the taunt that we have done nothing compared with the Mahomedan emperors with respect to roads, bridges, and canals. Even here, in the very seat of their supremacy, we have hundreds of good district roads, where one never existed before, besides the 400 miles of trunk road, which is better than any mail road of similar extent in Europe, and to which the emperors never had anything in the remotest degree to be compared. In canals we have been fifty times more effective. Instead of wasting our supply of water on the frivolities of fountains, we have fertilised whole provinces which had been barren from time immemorial. The scientific survey alone of the North-western provinces is sufficient to proclaim our superiority, in which every field throughout an area of 52,000 square miles is mapped, and every man's possession recorded. It altogether eclipses the boasted measurement of Akbar, and is as magnificent a monument of civilisation as any country in the world can produce."

Why, Sir, really when I read these things I am at a loss to account for the assertion so recklessly made even by some who, from their acquaintance with the country, I should have thought had been in possession of better information on the subject, that we are disgracefully neglecting our duty in regard to India. Not many years ago there was a system of most odious transit duties through India; there was a custom-house at intervals of every eight miles, at which goods were stopped and subjected to a heavy customs duty. Those duties have been entirely abolished. [An Hon. MEMBER: How long since?] They were abolished at various periods in different Presidencies. In Madras, which is the last place in which they were given up, they were abolished in 1844, and the Customs revenue was reduced, in consequence, from 36 lacs of rupees to 18 lacs—a loss of one-half. I must say that I see no evidence from which it can be supposed that the condition of the people of India is not as good as that of the people in most other parts of the civilised world. If hon. Gentlemen will turn to a book of not very recent date—*Bishop Heber's Journal*—they will find there accounts of the state of the Presidencies, showing a degree of comfort among the people, which, taking into consideration their condition and the requirements of their climate, may be looked upon as superior to what we should find in many parts of Europe. I will not trouble hon. Gentlemen by quoting from that work, with which they are probably familiar, but I will refer to a more recent publication, because it states the condition of the peasantry in that portion of India where it is asserted that the ryotwar system is productive of the most injurious effects. This is a quotation from the work of Mr. Dykes, late assistant-collector at Salem, respecting the condition of the people in that district of the Presidency of Madras. Mr. Dykes says—

> "Agricultural labour can readily be obtained for 1*s*. 3*d*. a week, the articles of daily consumption being cheap in the extreme. The Government demand for an acre of dry land (2*s*. 8*d*.), scarcely exceeds what a common labourer can earn in a fortnight, about which amount of labour will also find him with an ample supply of salt for the whole year. The signs of improvement cannot be mistaken. When the people throw down the walls of their villages and towns; when the cottage shines out among the distant fields; when the children drive the cattle to pasture, and troops of women pass fearlessly along the public roads, seeking the neighbouring markets—these, surely, are different times from those that saw the ryot go to the plough with his spear or his matchlock in his hand; when the trade of the country, carried on bullocks, straggled from village to village, guarded ever by armed men, and the merchants feared to engage in cultivation, because their gains could not be hid with sufficient ease; the greatly increased fertility of the soil, the increasing traffic, the improved bazaars, the value that land, even under the present system, is everywhere acquiring, all show clearly that capital is accumulating, and that the condition of the people is better than it was."

These statements, of course, refer only to particular districts, though I have no reason to suppose they are not fair specimens of what exists throughout most parts of our Indian territory. But we have still more convincing proofs, not only of the increased power of production, but of the increased power of consumption of the people of India, in the returns of their imports and exports. I see, for instance, that the average importation of their sugar and molasses into this country in the ten years ending 1842 was about 444,000 cwt., while the average importation in the last ten years has been 1,369,000 cwt. The average importation of rum has risen during the same period from 233,000 gallons to 600,000 gallons, and has thus been more than doubled. The importation of coffee has risen from 2,358,000 lbs. to 3,256,000 lbs. The importation of cotton wool has increased from 58,000,000 lbs. to 80,000,000 lbs. So much for their powers of production. Now for their powers of consumption. The value of the cotton piece-goods imported into Calcutta in 1833-34—and this will be some comfort to the manufacturers of this country—was 700,000*l*., while in 1851 it was about 2,950,000*l*. Surely that shows a power of consumption which proves most completely that the condition of the people must be improved of late years. Well, Sir, I will take now the whole exports and the whole imports of India, and the case is still more remarkable. The value of the whole imports of merchandise in 1834-35, was 4,261,000*l*., while in 1849-50 it was 10,300,000*l*., being an increase of no less than 140 per cent. The exports in the same time have increased from 7,993,000*l*. to 17,312,000*l*., being an increase of 112 per cent. With all our boasted increase of trade at home, the value of our exports in the same time has increased, not 112, but only 66 per cent, while the improvement in production in India, as measured by the exports, has thus increased in nearly double the ratio of that which indicates the increase of production in this country. Can anybody believe, after these figures, that the condition of the people of India has deteriorated in the course of this period; and must it not be apparent, on the contrary, that alike in their powers of production, and in their means of purchasing the quantities of goods which have actually been imported into India, ample proof is thus afforded of the vast improvement in the condition of the people.

There are many minor topics which I should be anxious to mention, as affording evidence of the desire on the part of the Government of India to advance the interests of that country. I will only refer, however, to the trigonometrical survey, which is a work of vast importance, not only for scientific purposes, but for the more practical object of facilitating the surveying and laying down the boundaries of villages, and indeed of every man's property and occupation, and of preventing the constant litigation as to the rights of the various owners and cultivators of land. We are establishing lines of electric telegraph for 3,150 miles, connecting all the great towns of the Indian peninsula; and I must say it affords me the greatest satisfaction to read the constant accounts of the attention which is paid to the improvement of the people in various ways, by the establishment of dispensaries, the extension of vaccination, the formation of schools, and various matters of that kind, which in other countries are left to the charity of individuals, but which in India have been taken up by the Government, and which prove, I think, that in every part of that vast empire unremitting attention is paid to the improvement of the condition of the people. I have before stated that many things may have been left undone, many things ought to have been done more completely; but I must say, that I think great credit generally is due to the administrative officers in India for the energy and zeal which they have displayed in their various functions; to the Government of India for supporting them in their administration; and to the Government at home, who have invariably urged upon the Indian Government measures for the welfare of the country—who have sanctioned almost every expense asked for such purposes—and who have encouraged by their approval the exertions of the various officers. I will only allude to the opinion of one of the ablest of modern historians who has written an account of the administration of India in late years—I mean the author of the *History of the War in Affghanistan,* Mr. Kaye—who concludes his work with a review of what has been done in India, in which he says that much has been omitted; much more might have been done than has been done, if means had been available; but that, as it was—

> "more good has been accomplished in India, more earnest, serious, and enlightened legislation has taken place for the benefit of the people under the Act of 1833, than during the previous two centuries and a quarter of British connexion with the East."

I am afraid I have wearied the House by these details. I have felt, nevertheless, that I should fail in doing justice to the authorities of India, and to the administration of that country during the last twenty years, that we should not have been enabled fairly to judge of the manner in which the Government has been conducted; that we should have been liable to be misled by those representations which have been industriously circulated, and which seem to have met in some quarters with a belief to which I think they were not fairly entitled, if I had not endeavoured to put before the House what I believe to be a true and faithful picture of the state of India and the government of India during the last twenty years.

Now, Sir, I fully admit that it does not therefore follow, because all these improvements have taken place, that the Government of India either ever was, or is the best that can be devised, but I say this—that if we are to test the Government by the results of that administration on the condition of India, there is no ground whereupon to condemn it as being negligent and inefficient. I fully admit that if we are to test the present form of the Indian Governments by any known principles upon which government should be framed, it would be difficult to find so great an anomaly as that form of government, except the still greater anomaly of our whole Indian Empire. I admit that it is almost incredible, that it is fabulous, that such an empire as our Indian Empire should exist—that a country of some 2,000 miles in length, and some 1,500 in breadth, containing 150,000,000 of inhabitants, should be ruled by a mere handful of foreigners, professing a different religion, speaking a different language, and accustomed to different habits—that this mighty empire should be administered by less than 800 civil servants—the number of those servants, be it remembered, not having increased with the increase of our dominion, but having, on the contrary, diminished —it seems incredible that a private nobleman or gentleman should be sent there from this country who for five or six years, as Governor General, exercises a power greater than almost any sovereign in the world—that he again should be controlled and governed by twenty-four gentlemen, elected by a body of men not perhaps the best qualified to judge of the merits of a statesman; and that this body of men should be in their turn controlled by an Indian Minister, who, in the necessary play of parties, is often put into that position without any previous knowledge of the Government of the country over the destinies of which he is called on to preside. No man, if he were to sit down to the task of constructing a Government for India, would dream of constructing a Goverment upon such a system for so mighty an empire. But it must be remembered that this form of government has grown up along with the growth of our Indian empire. Defects there may be in that Government, imperfect it may be; but surely, whatever its faults in theory, it cannot have been so badly administered, when under it that empire has so grown in extent and in prosperity, and the condition of the people has been so much improved. That it has been made more fit by alterations at various periods for the advancement of the interest of the people, every one knows. That it is not now what it was twenty years ago, and was not then what it was twenty years before, is known to us all; and, the period having arrived when it is necessary for us to deal with the Government of India, and to provide for it after the 30th of April next, it becomes essential to consider in what shape it should be once again remodelled and framed, in order to insure that which it is our bounden duty to look to—in the first place, the welfare of the people of India, and in the second place, and dependent upon that, the interests of this country, which two considerations, however, I firmly believe to be inseparable.

Now, Sir, the Government of India must necessarily be considered under two different branches—the Government at home, and the Government in India.

I will proceed, in the first place, to deal with the Government at home. Faults of various descriptions have been found with the Government at home. It has been said, in the first place, that there is no responsibility. In the next place, we were told, in the earlier stages of the discussion, that the Court of Directors was an obstruction to all good government. Latterly a different line of argument has been taken, and we have been told that the Court of Directors is a fiction which ought to be done away with as utterly useless. Great complaints have been made also as to the mode of electing the Directors, and fault has been found with the existence of patronage in their hands, and the mode in which it has been administered. A further fault has been found with the mode of transacting business, as being slow, and leading to unnecessary and mischievous delay. I believe I have stated fairly the principal heads of accusation against the Home Government of India. Now, the House will observe that two of these heads are quite contradictory of each other. It is impossible that the Court of Directors can at the same time be a perfect obstruction to good government, and yet so complete a fiction as to be dispensed with without being missed. We must deal with it as either one or the other, and the arguments on the one side completely upset those on the other. I think that, as usual in all cases of this kind, the truth is to be met with in neither of the two extremes, and that it lies, in this case, as it often does, between the two contradictory propositions. Most of the misrepresentations which have taken place on this subject seem to me to have arisen from considering the Government not as it is practically carried on, but as it might be carried on under the full exercise of those extreme rights that belong to the different members of which the Government of India consists. It would be just as absurd to say that the government of this country could not be carried on because the three branches of the Legislature, if each exercised the rights to which it was entitled, would constantly come into collision with one another, or that business in this House must practically be put a stop to from the power which, by the exercise of his extreme privileges, any individual Member possesses of obstructing public business. What we have to deal with is the practical mode in which the business of the various departments is carried on; and upon this subject I must be permitted to say, with reference to the course which has been taken in the Committees appointed by this and the other House of Parliament, that it is useless to examine persons coming from India, and persons who, not having had any experience in the mode of conducting business here, really can tell us very little on the subject. Those who have been in one office or the other—the Board of Control, or the India House—and who know how the business of the several departments is conducted, are far better able to give information upon the subject than those who, from want of experience, cannot by possibility know anything of the matter. The home business of the Government of India may be divided into two distinct parts. One comprises the political relations of the Government of India with other States, and questions of peace and war. These questions are decided not by the Court of Directors, but by the Government of this country, and their orders are sent through the Secret Committee of the India House, and for these decisions, not the Court of Directors, but the Government of this country, is entirely and altogether responsible. Upon that point, therefore, there can be no question as to divided responsibility or anything of the kind. The Secret Committee merely acts as an organ to convey to India the directions sent from the Board of Control; and the President of the Board of Control is, in that respect, only the organ of the general Government. A good deal of unnecessary importance appears to me to have been attached to a declaration made by Lord Broughton, that he alone was responsible for giving an order to the Indian Government as to crossing the Indus by the army for the Affghan war. But that order must have been signed not by Lord Broughton alone, but by two Cabinet Ministers; and he was no more responsible for the order than the Secretary of State at the time for the order directing the Duke of Wellington to cross the Pyrenees. The act is not the act of the President of the Board of Control alone; it must be in pursuance of the determination of the Government. There is no mistake, no concealment, about the matter, and it is nonsense to talk of the irresponsible power of the President of the Board of Control, because the Government of this country is as responsible for war in India as it is responsible for war in Europe, Africa, or America. The other great branch of the Government is what is called the ordinary business of the administration of India, and in that the Directors take a very considerable and important part. Every despatch is addressed to them, all questions are considered by them in the first instance, and they have the initiative on every question. Grants of money cannot originate in any way with the Board of Control, and in the exercise of patronage, except in some of the higher appointments, the Directors are entirely uncontrolled. In the greater portion of their business, however, they are liable to the check and supervision of the Board of Control. A draft of every despatch is sent up to the President of the Board of Control, is considered and revised by him, is sent back to them; is submitted to a committee at the India House and then to the Court, and is there carefully revised; and it is only just to the Directors that I should say, as far as my experience goes, I have reason to know that the most careful attention has been given by them to every important despatch. It is quite true that the President of the Board of Control has the power of overruling, in the last resort, the Court of Directors. I therefore fully admit that I am responsible to this House for any acts in the administration of India, just as the Secretary of State for the Colonies is responsible for the acts of administration connected with his department. In substance, there is no difference between the two cases, though there may be a difference in form. Hon. Gentlemen seem to treat this question in a very singular manner, for at one time we are told it is impossible to say that the Court of Directors can be responsible, and at another time it is impossible to say they are not responsible; and again that they cannot find out who are responsible for the government of India. The simple state of the case is, that the President of the Board of Control is the person responsible to Parliament for the government of India. But all this is nothing new. It has been stated over and over again to be the case for the last seventy years, and it has been perfectly well known to every one who has thought it worth his while to inquire into the subject. The same fact has been stated, in better language than I can pretend to use, by Lord Grenville, who, in 1813 used this remarkable language:—

> "The law which passed in 1784, the source of all these benefits, the very line of demarcation from which commences the good government of India, did actually commit this whole authority (the political direction of India) to Commissioners appointed by the Crown. In the Public Board, so constituted by the wise and necessary interposition of Parliament, and continued with slight variations by succeeding Acts, has ever since resided a complete and effective superintendence

over every part of the political affairs of India. That Government has still been exercised, indeed, in the name of the Company, as the Company also has used the name of the Asiatic Powers whose misrule it has superseded; but both the control and the responsibility of all political measures are vested by law in the public servants of the State. The commerce and the patronage of the Company are alone excepted, but on all other matters which in any way concern the public interests in India it is the office and the duty of the King's Commissioners, at their discretion, to exercise a complete and unqualified political control. It is their function to erase, to add, to alter, and, in the default of the Directors, to originate those instructions which by law the public servants in India are bound implicitly to obey."

These words seem to me to describe the state of things, as it existed in 1813, precisely as it exists at present. The President of the Board of Control has succeeded to the authority here represented to reside in the Commissioners. I am now responsible to Parliament for the affairs of India. Every person, however, who is acquainted with the course of public business, must know that, although the head of every department is answerable and responsible for the whole business of that department, yet that in great matters he would consult his Colleagues in the Ministry; that in other matters his decision, as chief of his own department, would be sufficient; and that in minor matters, having confidence in the persons in his department and under his authority, he, upon their representation, issues the orders that may be necessary. But there is a difference between the orders so issued by the Secretary of State, and those which may proceed from the Board of Control. Before any despatches are sanctioned by the Board of Control, they must have been carefully sifted and investigated by a body of independent gentlemen, many of them intimately acquainted with the people of India, and most zealous and unremitting in the transaction of business; and so far there is greater security for the good government of India than of our Colonial possessions. It must be obvious, also, to every one that the mere power of originating despatches, must of itself give no inconsiderable share of influence to that body. It is clear that if I did not issue despatches except upon matters raised, and communications made to me by any hon. Member of this House, he could not but exercise a very considerable influence in the decision, whatever that decision might ultimately be. Mr. Mill—than whom there could not be a more competent witness—said, before the Committee of the House of Lords—

"I do not think the present system is fairly described as a fiction, since it is acknowledged, that not only the Board of Control, but the Cabinet, when of a different opinion, sometimes think it right to defer to the opinion of the Court of Directors, no doubt because they feel that the Directors are more competent to form an opinion than themselves."

On these two points, then, I will only say, that there can be no question: first, as to where the responsibility to this House lies; and next, that the functions of the Court of Directors are not that absolute fiction which they are represented by some to be, but, adopting again the words of Mr. Mill, "that they have a full share in the administration." The last imputation against the Home Government of India that I shall notice is, that in consequence of the numerous written communications which take place, and the divided residence of the two authorities—the Court of Directors and the Board of Control—Indian business is slowly transacted. I admit that the tendency of the mode of transacting business is to render it slow; but as to a large portion of Indian business, despatch is not of the slightest importance. The principles upon which the government of India is and ought to be conducted are laid down here; but the government of India is and ought to be administered in India. Good men ought to be carefully selected to carry out the views of the Executive. But then, when a proper selection of the instruments of government has been made, the more that is done in India the better; and the object of the examination here is to see that in the exercise of the power of the Governments of India in detail, those principles so laid down in this country have been observed. Orders for executive administration are seldom issued from hence. The greater part of the business consists in revising the acts of the Indian authorities; but that is not business which requires much despatch. Perhaps I should not be far wrong in saying that nine-tenths of the Indian business is to revise and to see whether the administration of India is carried on consistently with the principles laid down. There are cases, no doubt, and sometimes very difficult ones, when most important matters arise which require a more rapid transaction of business. In cases of that kind, immediate and frequent communications take place between the Board of Control and what are called the "Chairs" of the East India Company. I am happy to take this opportunity of stating, that my hon. Friend the late

Chairman, and the present Chairman and Deputy Chairman of the East India Company, have always been most ready and willing to meet me, and have afforded me every facility and assistance that I could possibly require. Whenever it was important to obtain an early decision, they would ask to see me, or come to me at once when I sent for them. A personal communication takes place without delay, and a despatch is sent out immediately. About a month ago I thought it desirable that the interest on the 5 per cent loan should be reduced. The Finance Department reported a probable surplus of 500,000*l.* after paying for the Burmese war. I thought this an opportunity not to be lost of diminishing the expenditure by making a reduction in the rate of interest. I spoke to the Chairs; they agreed with me; and in compliance with my wishes, a despatch was prepared and submitted to me, and by the next mail the order went out to reduce the interest of the loan. In another case, when the electric telegraph was determined upon, all the arrangements were made in less than one month after the receipt of the despatch of the Governor General, recommending that this step should be taken. With a mail to India once a fortnight, and with personal communications such as I have described, there is no time lost in anything that requires speed; and on this head of delay in transacting business there has been the greatest misrepresentation and misunderstanding. But one great defect in the constitution of the Court of Directors has been pointed out—namely, that, owing to the necessity of a protracted and expensive canvass, the best members of the Indian service are deterred from offering themselves as candidates for the situation of Directors of the East India Company. It is said that it is a bad mode of remunerating the services of the Board of Directors—that they should look only to the distribution of patronage for their reward. I do not think that the imputations which have been made on this latter point are borne out. It has been said that the Indian army and service do not receive a fair proportion of the patronage. The evidence clearly showed that the sons of Indian servants and officers have received a very large and sufficient share of appointments. I think the Directors have taken great pains to preserve their patronage from being improperly applied; but I admit that there exists a general opinion that it is undesirable that the remuneration of the Board of Directors should consist in their patronage. I have now stated the principal objections that have been made to the present mode of conducting the Indian Government, and how far, in my opinion, those complaints are justified. But I still have to consider what it is desirable the Government of India should be for the future. The hon. Member for Manchester said the other day, at a meeting at Bristol on the subject of India, that nothing could be satisfactory except a single Government by means of a Secretary of State. That also is the view of the gentlemen who have associated themselves together for the reform of the Indian Government. Now, we must consider what would be the effect of a change of this description. The proprietors of India Stock and the Court of Directors will remain a body until 1874, and they will be entitled to receive the dividends upon their stock which are secured upon the territory of India, or to claim to be paid the amount of that stock. They claim to revive as a commercial body, and to carry on their trade with the capital thus reimbursed. The Government, on the other hand, would assume the charge and government of India, and the obligations, liabilities, and debts, of the East India Company; and I am not sure whether my right hon. Friend the Chancellor of the Exchequer would be pleased to have the debt added to his present obligations, because, although it is true that it is secured on the Indian territory, yet it might be convenient that the same thing should be done for India which we have done for some of our Colonies, and that by giving the guarantee of the Government, a lower rate of interest should be payable on the debt. This has, I see, been already suggested by a noble Lord in another place; and, though in the present state of things I should not think of preferring such a request to the Chancellor of the Exchequer, the case would be very different if India was administered as our other dependencies by the Government of this country, and in the name of the Crown. I do not believe that this is an insuperable objection, but it is one that requires to be carefully considered before we make any change.

With regard, however, to this vital question of the nature of the future Government of India, we ought to look to the evidence that has been given before our Committees on this subject. The question whether we ought to have a single or a double Government for India has been mooted before both the Committee of the House of Lords, and the Committee of the House of Commons. There are three witnesses whose evidence has been said to be more or less in favour of the single Government. The evidence of the last witness examined upon this subject (Mr. Sullivan) is not yet in the hands of the Members of this House; but it can hardly be said to be in favour of a single Government, because Mr. Sullivan leaves two bodies—one for patronage, and the other for the management of Indian affairs. However, as his evidence is not in the hands of Members, I will not enlarge upon it. The most important evidence on this subject is that of a noble Lord (the Earl of Ellenborough) who has been himself President of the Board of Control, and Governor General of India; and I am bound to bear my testimony not only to his great acquaintance with Indian affairs, but to the singular ability with which he expresses his views on these subjects. I do not know that I shall be charged with having said more than I am justified in saying, if I add that one cannot be surprised to find the noble Lord approaching any consideration which affects the Court of Directors with some little bias. The noble Lord recommends that the Government of India should be as follows:—That there should be a council of twelve, who should be originally named in the Act of Parliament; that one-sixth should go out every year, and that they should be replaced by persons who have filled high situations in India, and who should be nominated on the recommendation of the Governor General, and of the Governors of the Presidencies of India. The noble Lord proposes that the whole patronage should be vested in the Council, and that they should have a veto on the appointment of a Governor General; but, naturally enough, the noble Earl did not propose to give them the power of recalling him. He suggested that these Councillors should be quite independent of the Government, and irremovable for six years. I remember the time when the patronage of India was supposed to create a power in the State of no inconsiderable amount; and a body like that which the noble Earl suggests, and the members of which would be practically irremovable for six years, would constitute an exceedingly independent and powerful body. Therefore, although the noble Lord's professed object is to get rid of the double Government, he does not do so in fact, and only proposes to transfer to the Council the power of the Directors, and to make them, as indeed he says himself in another answer, "the advisers of the Board of Control, precisely as the Board of Directors now are." But the noble Lord goes further, and says that his only object is to provide for the President of the Board of Control an able body of advisers. The noble Lord states that he should not object to the continuance of the present system of choosing the Court of Directors if he were sure that it would be filled with men like the late Mr. Charles Grant, Mr. Elphinstone, and Sir Richard Jenkins. The sole object, then, of the noble Lord appears to be to obtain good advisers from Indian servants for the Board of Control, and therefore in whatever manner this may be effected, his object would be accomplished; but when he leaves this second body as powerful and independent as he proposes it should be, and acting in regard to the Board of Control much as the Directors now do, this, after all, seems to me to be only a double Government under another name. The noble Earl says, that when he wanted advice about Nagpoor, he went not to the Court of Directors, but to Sir Richard Jenkins, one of the Directors, who had been Resident at Nagpoor, and that, fortified by his opinion, he was perfectly indifferent to the opinion of the Court. I quite concur in the propriety of the course adopted by the noble Lord of consulting the person who was the best able to give him advice and information upon the subject then under his consideration. I should have thought it right, however, even if I had consulted Sir Richard Jenkins, to consult the Directors also, and I should not have thought myself justified in treating the Court of Directors quite so cavalierly as the noble Earl said that he was prepared to do. The next gentleman examined, whose opinion is said to be in favour of the single Government, and who, as regards all matters in India, gave most valuable evidence, was Mr. Halliday, late Secretary to the Government of India at Calcutta; but when Mr. Halliday was examined on the English part of the question, he stated that he was not so well acquainted with the Government in this country that he could give his opinion without very great diffidence. Well, but what was Mr. Halliday's opinion, which was said to be a decided opinion in favour of a single Government? His view was in favour of the appointment of a body of twenty-four gentlemen, elected as at present, or perhaps as vacancies occurred, allowing a portion to be nominated—say one-third or one-fourth as the case might be—by the Directors themselves. This body would form a Council for India, perfectly independent of the Government, exercising the patronage as at present, and discussing all important matters connected with India with the President of the Board of Control, that he might have the advantage of hearing their discussions and weighing their arguments. I believe that most matters are carried on in India under the single responsibility either of the Governors or of other officers who manage the affairs of their districts, without consulting any person; and perhaps one ought not to be surprised at such an opinion from a man who has had little experience in Committees or Councils of many persons. But gentlemen who are conversant with the deliberations of Committees in the House of Commons, and those who are acquainted with the proceedings of Cabinet Councils, can imagine what would be the result of a Council of such numbers meeting to discuss with the President of the Board of Control, or in his presence, all important Indian questions, or, as Mr. Halliday says, for the complete carrying out of his scheme—all Indian questions. Now I must observe that Mr. Halliday proposes to give to the President of the Board of Control the absolute power of deciding as he pleases, whether he agrees with his Council or not. Does anybody practically acquainted with such matters suppose for a moment that such a system could be worked? Does anybody suppose that the business of a heavy department could be carried on with an executive Council of twenty-four members? Even if the President and his Council generally agreed, their numbers would be a practical hindrance to all business, from the variety of opinion, at any rate upon numerous matters of detail, which must necessarily exist amongst so many gentlemen. But suppose that the President in three or four cases overruled his Council, and that an irritated and sore feeling was thus excited, how would the business be carried on? If the President of the Board of Control was bound to attend their deliberations, the time would probably be wasted in endless bickerings and disputes, quite enough to interrupt the progress of all business; and if he was at liberty to absent himself, he would of course relieve himself from so unpleasant a position as this would inevitably be, by deciding all questions, as he would have a right to do, without reference to his Council, and they would become utterly useless. But in any case to talk of this as a single Government, is an abuse of words. And Mr. Halliday, when he was asked whether he was favourable to a single Government for India, on a question put to him, at his own request, by the Chairman of the Committee, that he might remove any misapprehension as to his meaning, said that he only aimed at improving what he understood to be the present mode of transacting business, without introducing organic changes, which in his opinion were not desirable. He said that he would "reform existing institutions only as far as they needed reform, and would keep them otherwise in all their integrity; that the system of double Government and election by the Court of Proprietors had undoubtedly, whatever defects may be attributed to it, the good effect of keeping out mere party differences and discussions from the Government of India, and that good he would on no account do away with."

But Mr. Halliday, beyond his own opinion, and I have quoted his own words, gives very strong and very important evidence on this subject of single Government. He sees clearly enough that none of these proposals do in fact amount to single Government. He sees clearly enough, and I agree with him, what a single Government ought to be, if we are to have it at all, and he says, with this view—

> "The plain straightforward course would be decidedly to have the Government and the Council nominated altogether by the Crown; but whenever I have spoken of that with well-informed persons, I have been informed, in a manner that I could not possibly resist with my want of experience, that such a measure was totally out of the question; that it was quite impossible; and therefore, driven from that, I fall back upon what appears to me to be the more practicable suggestion, which I have made in the course of my evidence to-day."

The witness states distinctly what he thinks would really establish a single Government, and he says he has been told by every well-informed person with whom he has spoken on the subject, that such a measure is totally out of the question. Surely after this statement of his evidence, he can hardly be represented as a witness who has practically advocated the establishment of a system of single Government. Now, these are the witnesses whose evidence is supposed to be in favour of a single mode of government. I am aware that we have in this House advocates of that form of government, and I have no doubt that we shall hear from the hon. Member for Manchester and others able and powerful arguments in favour of such a scheme; but, certainly, they cannot claim in support of their views the evidence of those gentlemen to whom I have just referred. But we have, on the other hand, the very remarkable evidence of a person well known to this House, and well known to the world, as one of the ablest writers of the day on subjects connected with questions of government, of taxation, and of political economy. I do not myself agree with him in some of his views on the latter subjects, but I have always borne willing testimony to his ability—I mean Mr. John Mill. No doubt it may be objected to Mr. Mill, that he is open to the suspicion of having a bias in favour of the East India Company, in whose service he is. But, on the other hand, from his intimate acquaintance with the mode of transacting business in connexion with the affairs of India, which is greater, perhaps, than that of almost any man in this House or the country, he has better means than most men of forming an opinion, and his evidence, therefore, is of the greatest weight; and I will say from what I know of him, and from the high character which he holds in the country, that I do not believe Mr. Mill is one who would express an opinion which he does not honestly entertain. I think, therefore, that the opinion—and it is not an opinion that is not accompanied by the reasons on which it is grounded—which he has given in his evidence, is entitled to no inconsiderable authority. Though, therefore, his answers are rather longer than I should wish to read, yet they are so well put by him, and are so much to the purpose, that I should be sorry to diminish the effect of them by not giving his own words. Let me, before quoting this evidence, observe that it is obvious, if the Government is to be vested in a Secretary of State, that such Secretary of State must be responsible to Parliament, and to Parliament alone—that, in short, it is only to Parliament that the whole Government of India must be responsible for the good administration of the affairs of that country. On this subject Mr. Mill says—

"No one will deny that it is necessary that Parliament should be open to appeals on all subjects connected with the government of any part of the British Empire; but, so far as my opinion goes, I should say that the security for the good government of India derived from discussions in Parliament is far short of that derived from the habitual examination of all papers of any importance by persons especially devoted to that object."

He is then asked what would in his opinion be the result of more frequent Parliamentary interference, and he answers—

"I think that many bad and few good consequences would result. The public opinion of one country is scarcely any security for the good government of another. The people of one country, whether represented by the public authorities of this country, or by the nation itself, cannot have the same acquaintance with the circumstances and interests of the other country as they may have with their own. The great security for the good government of any country is an enlightened public opinion; but an unenlightened public opinion is no security for good government. The people of England are unacquainted, or very ill acquainted, with the people and the circumstances of India, and feel so little interest in them, that I apprehend the influence of public opinion in this country on the government of India is of very little value, because there are very few cases in which public opinion is called into exercise, and when it is so, it is usually from impulses derived from the interests of Europeans connected with India, rather than from the interests of the pople of India itself."

He was asked with regard to the effect of this kind of government generally, and he says—

"There would be two great inconveniences. In ordinary cases there would be apathy and indifference on the part of Parliament and the public; the Secretary of State for India would be able to do exactly as he liked, and to omit any part of his duty if he were too indolent or too ignorant to perform it; but whenever it did happen that interest was excited in Indian questions, they would become party questions; and India would be made a subject for discussions of which the real object would be to effect a change in the administration of the government of England."

The objection, therefore, which Mr. Mill takes to the Government of a single Secretary of State is—first, that it would introduce party considerations into the administration of India; and, secondly, that in the present state of information with regard to India, the experience of persons whose lives have been devoted to Indian subjects is a better security for good government than the sole check to be exercised by the House of Commons, reserving, of course, to the House of Commons that necessary interference on important matters which upon all questions it undoubtedly ought to exercise. Now, it is a remarkable circumstance in connexion with this question, that since the celebrated Bill which decided the fate of Mr. Fox's Administration, party politics have seldom or ever entered into the consideration of Indian affairs. Party questions with reference to India are almost totally unknown either in the other House of Parliament or here; and I do not hesitate to say that it would be a source of imminent danger to India if its affairs were again made the objects of party warfare. I have been in Parliament long enough to see that in colonial matters questions have occurred in which the interests of a colony have been neglected in the contests of party politics of this House. But we must not shut our eyes to the circumstance that the case of India is in no respect similar to that of the colonies. In all the colonies belonging to this country there is a large portion of British subjects well acquainted with the principles of representative government; and even if the worst were to occur—if, which God forbid! any of our colonies were to be separated from the mother country—though I do not see why the connexion, founded on mutual benefit, should not last for a period much longer than we can any of us look forward to—but even if a separation were to take place, there is hardly one of our colonies which would not be able with more or less success to govern itself. But if a revolution of that kind was to take place in India, will any one say that consequences must not ensue at which humanity would shudder? There is, in truth, no similarity between the probable consequences in the one case and in the other, and therefore it is of the utmost importance not to allow party politics to interfere with the government of that great dependency. There are very few Gentlemen in this House who have been in India, and I believe that even residence in one part of India is by no means sufficient to enable a person to form a competent opinion with regard to other parts of India. I have heard an hon. Friend who sits behind me, and who knows India better than most men, state that what he has learned was not learned from a residence of many years at Calcutta, but has been learned almost entirely from constant and unremitting attention to his duties as a Director at the India House. I believe that those who have been long connected with the India House have a better knowledge of Indian affairs than any of us possess, and therefore I think there is much truth in the opinion of Mr. Mill, that it is a great security for good government that all the details of the Indian administration should be subjected to the careful revision and careful examination of people who have devoted their lives to the study of Indian matters, and that they should be looked over by those who have spent a portion of their time in India, who, collectively, have a greater knowledge of the subject than we possess in the House of Commons, and whose opinion, therefore, should have the greatest weight. In reference to the very principle on which the double Government is founded, Mr. Mills says—

> "That all Indian proceedings are reviewed by two separate bodies independent of one another, is a much greater security for good government than would exist under a system by which those two bodies were merged into one. The double revision by persons of a different class, in a different position, and probably with different prepossessions, tends greatly to promote a close and rigid examination."

Again—

> "If you have a body unconnected with the general government of the country, and containing many persons who have made that department of public affairs the business of their lives, as is the case with the Court of Directors, there is much better discussion and much better sifting of the matters committed to their charge by having such a body in addition to the Minister of the Crown, than by having the Minister of the Crown without such a body, or the Minister of the Crown acting as chairman of the body."

And he concludes his evidence upon this question by a distinct opinion that any change from a system like the present "would necessarily be a change for the worse."

I will now refer to the opinion of a noble Lord who himself was a Cabinet Minister in this country, and subsequently Governor General of India—I mean Lord Hardinge —and I may say that no one is better able to give a sound opinion than Lord Hardinge. He was a Cabinet Minister at the time of the differences between the Government of this country and the Court of Directors, when Lord Ellenborough was recalled; as Governor General, he became well acquainted with the administration of affairs in India, and he now stands in a position perfectly independent, both of the Government and of the Directors, and is able therefore to express an unbiassed and impartial opinion. His opinion was expressed as follows:—

> "I think the system of double government is much wiser than bringing the Crown more prominently forward. I think the present plan is the best. For two members elected by the Court of Proprietors, one Director might be put in by the Court itself taken from the Indian service, who had been a member of Council, or who had gained a high reputation for his service in India. I do not think it would be advantageous to have the

Court of Directors filled with men who had served in India; there ought to be in the Court such a fusion of European feelings and talent, as well as Indian feelings and talent, as would not make it too Indian. A body of persons solely impressed with Indian views would not administer the government of India so well as the present Court of Directors."

But these opinions are not confined to persons only who are resident in England. I will quote the opinion of another of our witnesses on this subject, and that is the opinion of Mr. Marshman, a gentleman long resident in India, to whom I have before referred, unconnected with the Government, perfectly independent, well acquainted with the feelings of the people of India, and he says—

"I think that a change, such as the transfer of the whole of the Government of India from the Court of Directors to the Crown, would be much too violent and sudden, and would tend very much to embarrass so vast a machine as that of the Government of India; and I think it would be more advisable to prepare for the change which must take place by gradually remodelling the Government. It might be possible to prepare for the great change by the nomination of a certain proportion of the Directors, so that the public would have an opportunity of seeing immediately how the newly-modelled machine worked. One-fourth or even one-third of the Directors might be appointed by direct nomination from among those who have had long Indian experience."

I will only refer, in one word, to the evidence of Sir Charles Trevelyan, himself an old Indian servant, and well acquainted with the affairs of that country, as well as with the machinery of Government at home. He states most decidedly that, in his opinion, "an improved Court of Directors, together with a Board of Control, is the best form of government for India."

I have now stated all the evidence that has been given on this subject, and I must say not only that the preponderance of evidence is in favour of maintaining and improving the present form of government, but that there is no evidence which, carefully examined and tested, supports the views of those who advocate the government of India by a Secretary of State.

It is obvious that one of the objections stated by Mr. Mill—namely, the want of information in this country on Indian subjects, is one that, with increased communication between this country and India, may be expected to diminish from day to day. Mr. Marshman expresses his surprise at the interest which on his arrival he found the affairs of India have excited in this country; and I may be allowed to express the hope that it is a subject which will excite a still larger and more constant share of the attention of this House and of the country. If, too, by the improvement and education of the natives of India, we can establish a race and a class of men such as Mr. Mill describes as affording the best security for good government, then a great point will be gained for the government of India; but clearly that time is not come as yet. The opinion of such men will have great weight in India, and will be of great service in aiding the formation of sound public opinion in this country on Indian affairs. The time which is passing over our heads, the more ready communication with India, which is increasing so rapidly from day to day, will diffuse a knowledge of the affairs of India much more generally among the Members of this House, and render them more and more able to discuss with advantage the affairs of that country. I am most anxious to forward this object, before the attainment of which the too frequent interference of the House might lead to evil rather than good. I find that notice has been given of a Motion by an hon. Friend of mine to-night upon a subject on which it was my intention to have made an announcement to the House on the part of the Government, namely, that the President of the Board of Control will make an annual statement on the finances of India to the House. This used in former years to be the practice; but it has been discontinued for a long time, for no other reason, I believe, than because no attention whatever was paid to the subject, and when the Minister rose from his seat to give his account of Indian affairs, the other Members of the House walked out of it.

The question then for the Government to decide is, whether it shall continue the government of India as it is—whether it shall assume the government of India to itself—or whether it shall maintain the present form of government, but improve its constitution. I think with the defects that have been stated in the constitution of the Court of Directors, it is impossible to leave the government of India as it is. If, on the other hand, the Government had been anxious to grasp at power; if I had wished to place myself in a position the most powerful, I think, that any Minister could hold, possessing the undivided sway over our Indian empire — a prize well worthy of any man's ambition—and had obtained to this course the consent of my Colleagues, we might, I have no doubt, have persuaded the House to make that change in the form of government for India.

But we do not think it would be for the advantage of India that this course should be adopted. We think it far wiser and safer to maintain the present form of government, and to improve its constitution in such a manner, that while it will be rendered a more fitting instrument for the good administration of Indian affairs, the change which we propose, will in some respects render it more easy to do, at a future time, what circumstances or an extension of the information on the subject of India, may render fitting, namely, to assume the government of India in the name and the immediate power of the Crown. I will not, on the present occasion, occupy the time of the House by any further arguments in support of this course. I will only say that I agree generally in the views which have been so well expressed by Mr. John Mill, and that they are supported by the authority of those whose knowledge and situation enables them to exercise a sound and independent judgment on the question. What we propose to do is—leaving the relations of the Board of Control and Board of Directors as they stand—leaving the responsibilities of this House, and of the Minister who holds the situation which I now have the honour to fill as they now are—to improve the constitution of the Court of Directors, limiting their patronage, and imposing some check on the higher appointments made by them in India.

The Court of Directors consists of thirty members, but twenty-four only sit at one time, whilst six are always out by rotation; and though the Directors are subject to an election every four years, they are practically elected for life.

We propose to reduce the elective members to twelve, and to add to them six to be appointed by the Crown from persons who have served ten years in India. Six of the elected Directors must also have served in India for the like period. That will make a Court of Directors consisting of eighteen persons. It was suggested that the Court themselves should select one-third of the number; but it appeared to us that the Directors so chosen by a majority of the persons amongst whom they are to sit, would be placed in a position dependent upon those by whom they were appointed, and we thought it better that they should be nominated on the responsibility of the Crown, and named from persons who had been at least ten years in the service of the Crown, or the East India Company in India. The appointment in this manner will obviate the objection that the best of the Indian servants do not obtain a seat in the Court of Directors. It has been shown beyond doubt that many of those most competent to take a part in the Government of India—coming home from thence, and fully able in this country to take an active and useful part in the administration of its affairs—are deterred by the canvass from trying to obtain a seat in the Court of Directors; and we believe we shall improve the efficiency of the Court by placing in it, without the necessity of going through a canvass, persons of that description. The Government can have no object but that of placing the most efficient men in this situation; and in consequence of their selection being confined to Indian servants, any nomination for party purposes, or from party considerations, is, as far as possible, guarded against. We propose that one-third of this number should vacate their seats every second year, but be eligible, or be capable of being nominated again without the interval of a year. Great inconvenience is now experienced by the intervening year, when Directors are out by rotation, and if they are fit to be in the Court at all, there is no reason why that interval should exist in their service. With regard to the elected members, we do not propose to make any change in the nature of the constituency by whom they are elected. We do not propose, as was suggested by some, to add the holders of the securities of the East India debt, because in that case people residing in India must be included, who, if they vote at all, can only do so by proxy. Neither shall we add, as has also been suggested, all those who have served in India, because the retired officers of the Indian army are so numerous in comparison with all other persons retired from the Company's service, that, as stated in Mr. Campbell's book, if we adopted this course we should throw the whole election into the hands of the Indian officers, and should not, therefore, give that fair share of influence to other parties to which they are entitled. I do not think, from all I can gather upon the subject, that any great advantage could be derived from increasing the number of the persons entitled to vote in the election of Directors, and I propose, therefore, to make no alteration in that respect.

We do not contemplate to effect the whole of this change at once. We propose in the first instance—that is, on the expiration of the Charter in April next, that the present thirty Directors should select fifteen of their number, and that the Crown should select three persons who have served ten years in India. These will make the eighteen, who will be the first Directors of the East India Company under the new arrangement. Then the first three vacancies that occur in the elected Directors will be filled up by the nomination of the Crown until the full number of six members so named is completed. That once done, all future vacancies in the elected Directors will be filled by election, and all future vacancies in the nominated members will be supplied by nomination, so as to maintain permanently twelve elected and six nominated members. We propose that every Director should serve for a period of six years; one-third of the Court, both of those elected and those nominated, going out every second year, but being capable of re-election or re-nomination, as the case may be. All the persons to be nominated by the Crown, and six of the elected Directors, must have served either the Company or the Crown ten years in India.

Mr. DISRAELI: Can they be nominated, out of the thirty Directors that now exist?

Sir CHARLES WOOD: It will be no disqualification of any person that he is in the Court of Directors, if he have the other qualifications that we require; but merely being a Director, is to be no qualification, unless he has served the ten years in India, which we deem the necessary qualification. We believe that this change will effect a great improvement in the Court of Directors. It will be, of course, to the interest of the Crown to name the best Indian servants that can be found; and we shall thus introduce at least six most competent persons of large Indian knowledge and experience. In proposing, however, this form of government, which, in present circumstances, we believe to be the best that can be devised for India, we do not think it fair to tie up the hands of Parliament so as to prevent its making any change that may, in the course even of a short experience, appear desirable. The times change; and in these days no man can say how soon the necessity for alterations may arise. If the form of government, as we propose it, answers its purpose, and governs India well, there may be no need of change for years: if it fails, the change is rendered easy at any time. We do not propose, therefore, to fetter the power of Parliament for any period whatever, but that this government shall last until Parliament shall otherwise provide. While we believe that this alteration in the mode of constituting the Court, will materially improve the present Government of India, still, if experience should prove that this form of government does not answer our expectations, or if it should be thought right by Parliament at any future period to adopt, on the part of the Crown, the exclusive government of India, it will be open to Parliament whenever it may think fit to make that change. And as it is the opinion of every man who is at all acquainted with the subject, that the government of India could not be carried on without the assistance of a Council, the nucleus for that Council is to be found in the Directors named by the Crown.

We make some slight alteration in the salaries of the Directors. At present every Director receives 300*l.* a year, and the Chairman and Deputy Chairman, I think, 500*l.* a year. Limiting the patronage in the manner that we propose to do, we think it fair somewhat to increase those salaries. As their numbers will be reduced, and it will be necessary for them to reside more generally in town, we propose that the Directors should receive 500*l.* a year, and that the Chairman and Deputy Chairman, upon whom a large amount of work will be thrown, should receive 1000*l.* a year. The power, privileges, and qualifications of all the Directors are to be alike.

I now come to the limitations of the exercise of patronage by the Directors. At present, the House is aware that all the appointments to the civil service in India, to the College at Addiscombe for the engineers and artillery, to the army, to assistant surgeonships, and, in fact, all the appointments to India, are made by the Court of Directors. Practically, they are divided among the several Directors, and a certain portion by courtesy is allowed to the President of the Board of Control. The number of vacancies is determined by the demand from India. The Governor General reports how many persons are likely to be wanted in the course of each year, and the admissions to Haileybury and Addiscombe, and to the army, are regulated by that demand. I have already stated the objections which have been said to exist to the use of the Directors' patronage; but when we look at the persons whom the Indian service has produced, I think there can be no great fault to find. Several of the most distinguished men in the employment of the Crown have been taken from the Indian service. It would be invidious for me to mention names, but distinguished names there are in abundance; and it is a remarkable feature in the government of India, as stated by Mr. Mill, that it is carried on chiefly by what are called the middle classes, as distinguished from the aristocracy. Mr. Mill was asked by some Member of the Committee in the House of Lords, if he thought it a fitting thing that the son of a horsedealer should be sent out to India; and he very properly answered, that if he were fitted for the situation, he did not see why he should not go as well as anybody else. I quite agree with Mr. Mill. Lord Ellenborough stated his wish that a greater number of the aristocracy should be introduced into the Indian service. I see no objection to that proposition; I should be glad to see members of the aristocracy taking their share in the Indian service: but they must be introduced into it by merit, and not by patronage. With regard, then, to appointments to Haileybury, we propose altogether to do away with nomination—that no person should be admitted by favour to the civil service of India. We propose that, under such regulations as may be framed by the Board of Control, subject to the approval of Parliament, the admission to Haileybury shall be thrown open to unlimited competition. If the aristocracy are able by their merits to introduce themselves to the Indian service I shall be exceedingly glad. If the son of a horsedealer can introduce himself in that way, I wish to see him also in that service. But there is to be no exclusion, and no favour. Merit, and merit alone, is to be the door of introduction to the civil service of India. We propose to take a similar course with regard to the scientific branch of the Indian army. That is to say, that the admission to the College of Addiscombe shall in like manner be thrown open to competition. The same course we propose to take, also, with regard to the appointment of assistant surgeons. These are the three branches of the civil and military service, which are of a scientific character, and to which the test of an examination can be applied. Various modes have been suggested in which this rule for admission should be framed; some persons have proposed that a certain number of admissions should be reserved for competition among the sons of Indian officers; and other schemes of different kinds have been suggested. I do not wish to bind myself as to the details of this or of any other plan; but what I mean is, that whatever mode of accomplishing the end may be ultimately determined upon, admission shall be by open competition, and not by favour or nomination. This is, I admit, a great experiment, and by many able persons doubts have been expressed as to its success. This, at least, will be secured—the experiment will be tried in the face of this House and of the country, in whose power it will be to reverse it if it should be found to fail. For myself, I fully believe that it will succeed. There are no doubt, many very necessary qualifications for employment in such important situations as those in India are, which cannot be tested by any examination. Nevertheless, those qualifications which are so requisite more often than otherwise accompany intellectual acquirements. We shall have at least as good a chance as we have now of obtaining those other qualifications in the candidates, and we shall secure intellectual superiority; and I believe we shall find that by these means we shall raise still higher the character both of the civil and military services, and obtain for the benefit of India such a service as the world has never yet seen. At any rate a field of employment will be opened to the people of this country such as never has yet been unreservedly open to competition and merit.

With regard to what are called the direct appointments to the army, I do not think that they are fit subjects for competition. Most of the qualities required in a soldier are of a very different character from what may be termed book learning, and I do not know how to apply any test to ascertain the existence of such qualities in a youth as may in maturer age render him a good soldier or great commander. The cadets will be subject to examinations of the same nature as those required of officers in the British Army, which are as high as those of the best Continental armies, and these appointments will continue in the hands of the Directors. The other point in which we interfere with the power of the

Directors, is, that we subject to the approbation of the Crown their appointment of the members of Council in all the Presidencies in India.

I think that I have mentioned the material changes which we propose in the Government at home; and I will now advert to the changes which we propose in the Government in India.

I need not trouble the House with any lengthened remarks upon the subject of the position of the Governor General, because, according to the concurrent testimony of all the witnesses, there is not much change required. Lord Dalhousie is of opinion that no change is necessary. The questions that have arisen on more than one occasion as to the relative powers of the Governor General and his Council have been settled by the opinions of the law officers here, and the orders which have been sent from the Court of Directors; and it seems quite unnecessary to make any change in this respect. The only alteration in the position of the Governor General which we propose to make is this. It appears from the whole of the evidence, that, entrusted as he is both with the Government of India and the Government of Bengal, he has more duties to attend to than he can fairly discharge. We propose, therefore, to relieve him of the administration of the province of Bengal. But we do not propose that any change should be made in the general control which he exercises over the whole of the Indian Government. Complaints have been made by some witnesses on behalf of the other Presidencies, of the unnecessary check on useful expenditure which they say is imposed upon them by the Governor General. But this does not appear to be borne out by the facts. If the Governor General was likely unfairly to favour one Presidency more than another, it would naturally be the one under his own immediate superintendence—that of Bengal. But the very reverse is the fact. It seems from a return which was prepared of the comparative expenditure for public works (and this was the question as to which the complaints were made), that the greatest expenditure for this purpose was in the North-western Provinces, the next in Madras, the next in Bombay, and the least of all in Bengal. I do not think, however, that under any circumstances this is a matter for legislation, but is clearly a matter of discretion, which must be left to the Government in India to settle. Perhaps the existing limit on the expenditure to be incurred by the Governors of the minor Presidencies might be somewhat extended; but it should not be forgotten that the wasteful expenditure of these Presidencies before the Act of 1833, was one of the main reasons stated by Lord Glenelg for the change in the Government of India, rendering absolutely necessary the control on the part of the Supreme Government.

Another point has been raised as to the absence of the Governor General from Calcutta without his Council. That, again, I think, is a matter for discretion, and not for legislation. There are cases where it is desirable that the Governor General should leave Calcutta. When Lord Hardinge, for example, went up with the army, it was clearly for the benefit of India that he should do so; and when Lord Dalhousie went up to the Punjaub, it was also clearly for the interest of India that he should be there and not at Calcutta; and there can be no doubt that his presence on the spot contributed essentially to the speedy and successful settlement of those districts. When the Governor General goes away from Calcutta on such occasions, he generally takes with him, as it is called, the political and military powers, which enable him to direct the political movements in India; but he leaves with his Council at Calcutta all the powers necessary for conducting the general administration of India. This portion of the duty of the Supreme Government they are perfectly competent to perform, and the inconvenience and interruption to business is avoided, which would inevitably result from moving the Council and all its attendant functionaries from the permanent seat of Government at Calcutta. No doubt, it is desirable that the Governor General should be as much at Calcutta as possible; but this is a matter, as I before said, which must be left to the discretion of the Governor General and Council, for no fixed regulations can be laid down which might not subject both the Governor General and the Empire to considerable inconvenience.

With regard to the Executive Council, we propose no change except that the members shall be named by the Court of Directors, with the check of the approbation of the Crown; and that the fourth ordinary member, or the "legislative councillor," as he is called, shall sit and vote upon all subjects brought under the consideration of the Council.

The evidence is uniformly in favour of

the establishment of a permanent Lieutenant Governor in Bengal. The interests of the Presidency are stated in many cases to have suffered from the want of a permanent officer superintending the various matters connected with its administration; and as it is desirable to relieve the Governor General of the labour of this duty, and will clearly be to the advantage of the district, we propose that power should be taken to appoint a Lieutenant Governor of Bengal. The evidence is, I think, in favour of maintaining the other Presidencies as they are at present. I think there is considerable advantage in sending out to these governments statesmen from England. The position of the Governors there is very different from that of the Lieutenant Governor in the Upper Provinces. There is a large European population both at Bombay and Madras, a separate civil service, distinct armies, separate courts of judicature, and it is essential, I think, that the Governors in these places should be in a somewhat higher position than that of a Lieutenant Governor, and therefore we propose to leave these Presidencies with their Governors and their Councils as they stand, the appointment of Governor being open, as now, either to Indian servants or to statesmen from this country. Lord W. Bentinck, one of the best of our Governors General, had the advantage of having been at an early period Governor of Madras. We propose to continue the present power of having a Governor, or a Lieutenant Governor in the North-western provinces; and we propose also to take power of creating, if it should hereafter be found desirable, a new Presidency or Lieutenant Governorship in India; and power also to regulate and alter from time to time the boundaries and limits of the respective Presidencies or Lieutenant Governorships. In taking this power, I am looking, of course, to the large districts of the Punjaub and the provinces on the Indus, which have been added to our territories since 1833; but I wish to leave it open to the Government to make any arrangement of the Provinces which may, after full consideration, be found most convenient for their due administration. I believe that this is all I need say about the Executive Government of India, except that the evidence, as far as it has been taken, is, that it would not be desirable to place natives in the Council.

I come, now, to matters of legislation and legal reforms. With respect to the Law Commission appointed in 1833, I have stated that no practical result followed from their labours, and that there are great defects in the law of India as it now stands. We think it very desirable that the mass of Reports and partly framed Acts which remain of the labours of that Commission should be put into a shape to be practically useful. We have the advantage of having in this country three or four gentlemen who took an active part in that Commission; and we propose, in the first place, from those gentlemen and two or three members of the English Bar, with other gentlemen who have kindly volunteered their services, to appoint a temporary Commission, whose labours shall be limited to two, or at most to three years, to digest and put into shape the Reports and Drafts which have emanated from that Commission. Of course I do not propose to invest them with any legislative power. The legislation of India must take place in India, and for that purpose we propose to improve and to enlarge the Legislative Council. We think, however, that the greatest advantage will be derived from having this mass of matter properly digested here by competent persons, put into the form of Draft Acts, and then sent out to be finally considered and passed by a competent Legislative Council in India.

Upon the manner of improving the Legislative Council, the witnesses are unanimous. We propose to constitute a Legislative Council in this manner:—The Governor of each of the Presidencies, or the Lieutenant Governor of each of the Lieutenant Governorships, will select one member of the civil service of his own district. These gentlemen, and also the Chief Justice and one of the Judges of the Supreme Court, or of the Court which, as I shall by and by explain, we propose to constitute, to be chosen by the Governor General, will be members of the Legislative Council. These persons, in addition to the Executive Council as it is now constituted, will make a body of twelve, which we think will be sufficient for the purposes of legislation; but we propose to take a power of adding two civil servants, to be selected from all India by the Governor General, if it should be found desirable. It was stated by Lord Ellenborough, in his evidence, that great inconvenience frequently arose in consequence of there being no member of the Legislative Council at Calcutta who knew anything of the manners and customs of other parts of India. This inconvenience will be removed by the selection of members from the other Presidencies; and although it is not proposed that these members shall have seats in the Executive Council, there will be this further advantage, that they will supply information to the Governor General and his Council in their executive capacity as to all matters connected with those parts of the country from which they come. The members of the civil service will bring with them that intimate acquaintance with the manners and customs of the people of India which is so requisite towards promoting sound legislation. There will also be the advantage of having in the Council three persons of legal education from England, two of the Judges of the Supreme or other Superior Court, and the Legislative Councillor. I hope that the result of this will be to introduce that improved spirit of legislation with which it is probable all those going from this country to India will be thoroughly imbued: and with this admixture of English legal knowledge and skill, and of the intimate acquaintance possessed by the Indian civil servants of the customs and manners and wants of the different parts of India, we trust that a legislative body will be constructed fully equal to the discharge of its high and important duties. We propose to give the Governor General a veto on their legislation, which he possesses indeed now when absent from his Council, but not when present.

I come, now, to another subject of great importance. I mean the improvement which we propose in the administration of justice in India. We propose, in the first place, a considerable change in the course of education at Haileybury, and in the examination to which the students are subjected before they proceed to India. At present there is an examination by independent examiners on the admission of the student to Haileybury; but, with regard to persons leaving the college for the purpose of proceeding to take up appointments in India, the examinations are conducted only by the Professors of the College. A great deal of time, it is believed, is needlessly occupied at that institution in the study of the Oriental languages, which it would appear, from all the evidence taken before the Committee, could be much more easily and speedily acquired in India. It is obvious that the time devoted to the acquisition of those languages is necessarily taken away from subjects which we believe to be of far greater importance for the education of persons intended for the civil service. We propose that the examinations at the entrance of students at Haileybury shall be such as to establish, that wherever they have been educated—whether at London, Dublin, or Edinburgh—they have received a good education, such as is to be acquired wherever they may have been, and that they have shown themselves capable of profiting by it. We propose, also, that there should be a considerable addition made to the legal education at present given at Haileybury. It was recommended by some of the witnesses that there should be a distinction made at the outset between the legal and what I may call the revenue branch of the civil service, and that the education and career of the persons serving in the two branches should be altogether distinct. One witness, indeed, proposed that the judges of India should be chosen at once from the English Bar; but all the other witnesses of Indian experience were unanimous in their opinion that this was impracticable. It clearly appears, from the evidence of the most competent witnesses, that there is great advantage gained towards rendering a judge competent to perform his judicial functions, by his having commenced his service in the collector's department. He is there enabled to acquire that knowledge of the manners, and habits, and dispositions of the people of India, without which he would be unable adequately to discharge his duty as a judge. Indeed, the fact is, that no inconsiderable part of the duties even of a collector are of a judicial character. Most of the suits connected with land, for instance, are decided by the collectors, and they also exercise large magisterial functions. We propose, then, that at Haileybury the students shall all receive a sound legal education—I do not mean in the mere technicalities of the profession, but in the principles of jurisprudence—which will enable them to administer any law, whether English, Mahomedan, or Hindoo—in the principles of the law of evidence, and in the more general branches of legal knowledge. We propose that an improved education of this kind should be conferred upon every person going to Haileybury. I am in hopes that the present term of two years will be found sufficient for this purpose—at least, such is the opinion of the heads of the college; but, if upon experience that period should be found to be too short, it will be extended, so that no person going thence out to India shall go without having had a thorough legal education. We propose to insure the utmost fairness in all the examinations—and that the examinations on coming out of Haileybury, as well as on going in, should be conducted by independent examiners. I do not mean to say that any undue favour has hitherto been shown in the examinations on coming out of the college; but, at the same time, I think it far better that the examinations should be conducted by independent examiners rather than by members of the college. I may mention that there is at present a most severe examination of the civil servants in Bengal before they are appointed to important situations. This examination has only been recently introduced, and is of a very stringent character, as the following statement will show :—

> "After this apprenticeship of several years, the assistant to a collector and magistrate is regarded as a candidate for promotion. He is then subjected to a further examination, with the view of testing his knowledge of the languages and the laws of the country, and his promotion is made dependent on the success with which he passes the test. Of twenty civilians who came up in 1852, seven only were passed. A successful candidate is then deemed qualified for the office of collector or magistrate."

I hope that the result of these examinations will be, that all future members of the civil and judicial services will be found duly qualified for the execution of their duties. We propose that, after a time, they shall be obliged to select which branch they will follow; and that, if they select the judicial branch, they shall not afterwards be removed into the collector's department. We propose, also, an improvement in the constitution of the Superior Courts of India. At present there is the Queen's Court in each of the Presidency towns for the administration of justice to the English inhabitants; and there is also the highest of the Company's Courts composed of the Company's judges, selected from the civil service, called the "Sudder Adawlut," being substantially the same Court for civil and criminal justice, under different names. We propose to consolidate these two Courts. We believe that the constitution of both will be improved by this amalgamation; we believe that the addition of the Queen's judges will introduce the improved law and knowledge which they carry from this country into the Company's courts, and that the addition of the Company's judges sitting with lawyers from this country will give those English lawyers what they want—an acquaintance with the manners, and habits, and laws of India. We propose that this Court shall be the ultimate court of appeal in each of the Presidencies from all other courts, and that minor courts for the administration of English law, shall be instituted in each of the Presidency towns, subject to an appeal to the Superior Court which I have mentioned. We propose, also, that in certain cases this Superior Court shall have original jurisdiction, and that the judges shall be occasionally employed by special commission to try causes in any part of the country. We believe that these reforms will be the means of introducing an improved practice and tone into all the courts of the country; and in every part of the country there will be the advantage of trials conducted on fitting occasions before judges of the highest Court of Judicature. There must, under careful restrictions, be an appeal to the Privy Council. I was exceedingly anxious that this improvement should have been embodied in the Bill which I mean to ask leave to introduce; but, after consulting with members of the late Law Commission of India, who are the persons most strongly in favour of this change, I found that in consequence of the necessary arrangements connected with the forms of procedure, it is necessary to postpone any legislative measure till we shall have received a Report of the Commission which we propose to institute, and whose first duty will be to prepare forms of procedure applicable to the new Court. With respect to the native judges, I do not know that much more can be done but to continue the practice already commenced. They are at present subjected to severe examination at every step of their promotion. We think, however, that the salaries of the lower class of judges should be raised. It appears from the evidence which we have received, that in every rank above the lowest the salaries of the native judges are quite adequate. I really do not know that there is any other mode of removing the temptation to perpetuate the old practice of admitting undue influence into the administration of justice than by improving the moral tone of the judges, and by fairly and adequately increasing their salaries.

There are other topics of vast importance which I might refer to, and perhaps there is none of more importance than that of native education; but, as we have not entered upon any inquiry with respect to that subject yet, it would be premature to address many observations to the House upon it, and I am very sensible of the length of time for which I have trespassed on the patience of the House. But I may say that there has been a great improvement in this respect in the course of the last twenty years. We used to spend considerable sums and to take considerable trouble in educating a large body of the natives in Oriental literature, which was of little value to them; but, chiefly owing, I believe, to the exertions of the right hon. Gentleman the Member for Edinburgh (Mr. Macaulay), European literature has been in a great measure substituted for antiquated Sanscrit and Arabic, or other eastern studies; and if hon. Members will take the trouble to refer to the Appendix of the Lords' Report, they will see abundant proofs of the proficiency to which the natives have attained in this respect. At a college founded at Roorkee, we are educating native youths to take their place as civil engineers in the great works which have hitherto been carried on exclusively by Europeans. The natives have also made great progress in the science and practice of medicine. They have been induced to forego their old national prejudice against touching a dead body; and the skill with which they use the scalpel is equal to that of many Europeans. I will not at present say anything of the Government schools for the education of the natives, which are hereafter to be the subject of inquiry. But I may mention that we have satisfactory accounts of the Missionary schools, in which the Bible is ordinarily used with the full knowledge of the Hindoos. I believe that no great number of the native children ultimately become Christians; but we have strong testimony in favour of the improved moral habits which have followed from their attendance at the schools, and from the education they receive there. There is strong evidence, moreover, to this fact, that the spread of Christianity among the more educated and enlightened class of natives is in many quarters sapping the foundations of their ancient faith. It is perfectly well known that the Government interfere in no respect with the religion of the natives, and carefully abstain, as a Government, from promoting conversion. No person is more convinced than I am that that is a wise and beneficial course, because I believe that if we attempted to do otherwise, we should unjustifiably shock the feelings of the people of India, and, moreover, should only impede the progress of Christianity. It may not be uninteresting to the House to know that by the last mail we have accounts of the baptism of Dhuleep Singh, a descendant of Runjeet Singh, a prince of high rank, which ceremony, it appears, took place at his own request—not ostentatiously, but privately and without the slightest parade, at Benares. I have said that we do not interfere, and I think rightly, in the propagation of our religion among the natives; but, on the other hand, I am bound to express my opinion that we have been perfectly right in taking care that those who profess Christianity shall incur no loss in consequence of doing so. Strong opinions have lately been expressed against the passing of the Act which prevents the forfeiture of the property of Hindoos on their becoming Christians; but I think that this Act is perfectly right, and that no change of faith to any religion professed in any part of the Queen's dominions should entail the forfeiture of property. I quite agree, therefore, in the propriety of passing that Act. I think the Government are perfectly right in abstaining from attempting to make proselytes among the Hindoos, though, at the same time, I think we ought not to allow them to be subjected to penalties when they do embrace the Christian religion. I hope and trust that the education they are receiving will gradually lead to the reception of our own faith in India; but that result we must leave in the hands of Him who will, in His own good time, bring about that which He desires to come to pass. In so far as improved education enlightens and enlarges the mind, we are preparing the population of India for the reception of a purer faith. But I am anxious to say that I differ from the opinion which was expressed in his evidence by a noble Lord, to the effect that we ought not in any way to promote the education of the natives, as tending to diminish our hold on India. I should be sorry to think that such was the case. No doubt our empire of India is an anomalous empire. Englishmen seldom or ever permanently settle in India. There is no mixture of English population with the native population. We go, we govern, and we return. I do not believe, however, that we shall endanger that empire by educating the natives of India. I believe, on the contrary, that if the great body of the natives were educated and enlightened, and not only educated and enlightened, but still more if bound to us by the ties of a common faith, we should increase rather than relax our hold upon the Indian empire. But, be that as it may, it seems to me that the path of our duty is clear and plain—to improve the condition and to increase the enlightenment of the people. I believe, as I have said, that by so doing we shall strengthen our empire there; but even if the reverse should be the case—even if the result should be the loss of that empire, it seems to me that this country will occupy a far better and prouder position in the history of the world, if, by our agency a civilised and Christian empire should be established in India, than if we continued to rule over a people debased by ignorance and degraded by superstition.

Motion made, and Question proposed, "That leave be given to bring in a Bill to provide for the Government of India."

MR. BRIGHT said, he felt a considerable disadvantage in rising to address the House after having listened upwards of five hours to the speech of the right hon. Gentleman. But the question was one, as the right hon. Gentleman had said, of first-rate importance; and, as he (Mr. Bright) happened from a variety of circumstances to have paid some attention to it, and to have formed some strong opinions in regard to it, he was unwilling even that the Bill should be brought in, or that that opportunity should pass, without saying something, which would be partly in reply to the speech of the right hon. Gentleman, and partly by way of comment on the plan which the right hon. Gentleman had submitted to the House. There was, as it appeared to him, great inconsistency between the speech of the right hon. Gentleman, and that which he proposed should be done; because, really, if one took his speech as a true and faithful statement of the condition of India, and of the past proceedings of the Government in that country, the conviction would be that the right hon. Gentleman would be greatly to blame in making any alteration in that Government. At the same time, if it were not a faithful portraiture of the Government, and to its transactions in India, then what the right hon. Gentleman proposed to do in regard to the home administration of that country was altogether insufficient for the occasion. He (Mr. Bright) could not on the present occasion go into many of the details on which the right hon. Gentleman had touched; but the observations which he had to make would refer to matters of government, and those would be confined chiefly to the organisation of the home administration. He was not very much surprised that the Government should have taken what he would call a very unsatisfactory course with regard to the measure they had propounded, because they evidently did not seem exactly to know what they ought to do from the very first moment that this question was brought before them. He did not allude to the whole of the Treasury bench, but he referred particularly to the noble Lord (Lord J. Russell), because he was at the head of the Government when this question was first brought before them. Lord Broughton, then Sir John Hobhouse, was, at that time the President of the Board of Control, and he was not in favour of a Committee to inquire into the past government and present condition of India. Shortly afterwards, however, it was considered by the noble Lord (Lord J. Russell) that it would be desirable to have such a Committee appointed. A Committee was appointed, and it sat. But at the commencement of the present Session the noble Lord intimated very distinctly, in answer to a question which he (Mr. Bright) put to him, and which seemed to make the noble Lord unnecessarily angry, that it was the intention of the Government to legislate, and in such a way as to leave the Indian Government almost entirely the same as it had hitherto been. ["No, no!"] Well, he thought that the noble Lord said so, and in corroboration of that he might mention that the noble Lord quoted—and he believed that it was the noble Lord's only authority—the opinion of the right hon. Gentleman the Member for Stamford (Mr. Herries), who considered that no material change was required in the constitution of the home Indian Government. Well, when the noble Lord made that announcement, considerable dissatisfaction was manifested on both sides of the House, some hon. Members speaking in favour of a delay of one, two, or three years, or declaring themselves strongly against the present constitution of the Indian Government. However, from that time to this, various rumours were afloat, and everybody was confident one week that there would be no legislation, or only a postponement; in another week it was thought that there was to be a very sweeping measure (which last report, he must say, he never believed); and the week after that people were again led to the conclusion that there would be a measure introduced such as the one that night submitted to the House. Again, it was understood so lately as last Saturday that there would be no legislation on the subject, excepting a mere temporary measure for a postponement, and he confessed that he was himself taken in by that announcement. On Monday the hon. Member for Poole (Mr. Danby Seymour) gave notice of a question on the same subject, and he was requested not to ask it till Tuesday. On Tuesday there was a Cabinet Council, and whether there was a change of opinion then he knew not, but presumed that there was. The opinion that was confidently expressed on Saturday gave way to a new opinion, and the noble Lord announced that legislation would be proceeded with immediately. All this indicated that there was a good deal of vacillation on the part of the Government. At last, however, had come the speech of the right hon. Gentleman the President of the Board of Control. There were some good things in it, no doubt. He did not suppose that any man could stand up, and go on speaking for five hours, without saying something that was useful. But as to the main question on which this matter rested, he did not believe that the plan which the Government proposed to substitute would be one particle better than that which existed at the present moment. With regard to the question of patronage he admitted, so far as that went, that the plan proposed by the right hon. Gentleman would be an improvement on the present system. But he did not understand, from the speech of the right hon. Gentleman, that the particular arrangement of the covenanted service was to be broken up at all. That was a very important matter, because, although he might throw open the nominations to the Indian service to the free competition of all persons in this country, yet if, when these persons got out to India, they were to become a covenanted service, as that service now was constituted, and were to go on from beginning to end in a system of promotion by seniority—and they were to be under pretty much the same arrangement as at present—a great deal of the evil now existing would remain; and the continuance of such a body as that would form a great bar to what he was very anxious to see, namely, a very much wider employment of the most intelligent and able men amongst the native population. The right hon. Gentleman had, in fact, made a long speech wholly in defence of the Indian Government; and he (Mr. Bright) could not avoid making some remarks upon what the right hon. Gentleman had stated, because he (Mr. Bright) wholly dissented from a large portion of the observations which the right hon. Gentleman had made. But the right hon. Gentleman, above all things, dreaded that this matter should be delayed. Now he (Mr. Bright) would just touch upon that point. The right hon. Gentleman had said that he had not met any one who did not consider it highly desirable that the House should legislate upon the subject of the Government of India this year; and that it would be a great evil if such legislation were postponed. In support of this view the right hon. Gentleman produced a private letter from Lord Dalhousie upon the subject. Now he (Mr. Bright) did not consider such evidence as by any means conclusive because they all knew Lord Dalhousie had been connected with the system that now existed. That noble Earl was also surrounded by persons who were themselves interested in maintaining the present system. From his elevated position also in India—he (Mr. Bright) did not mean his location at Simlah—but from his being by his station removed from the mass of the European population, and still more removed from the native population, he (Mr. Bright) did not think it at all likely that Lord Dalhousie would be able to form a sounder opinion upon this question than persons who had never been in India. In his (Mr. Bright's) opinion, no evil could possibly arise from creating in the minds of the inhabitants of India a feeling that the question of Indian Government was considered by the House of Commons to be a grave and solemn question; and he solemnly believed that if the decision on the question were delayed for two years, so as to enable Parliament to make due inquiries as to the means of establishing a better form of government in India, it would create in the minds of all the intelligent natives of India a feeling of confidence and hope, and that whatever might be done by them in the way of agitation would be rather for the purpose of offering information in the most friendly and generous spirit, than of creating opposition to any Government legislation. However, the question of delay was one which the House in all probability would be called upon to decide on another occasion. But passing from that subject, he now came to the principle upon which the right hon. Gentleman founded his Motion. The speech of the right hon. Gentleman was throughout that of an advocate of the Indian Government, as at present constituted; and, if Mr. Melville had said everything that could possibly be dragged into the case, he could not have made it more clearly appear than the right hon. Gentleman had done that the Government of India had been uniformly worthy of the confidence of the country. His (Mr. Bright's) view of this matter, after a good deal of observation, was, that the Indian Government, composed of two branches, which the right hon. Gentleman did not propose to amalgamate into one, was a Government of secrecy and irresponsibility to a degree that should not be tolerated in a country like this, where they had a constitutional and Parliamentary Government. He had not the least idea in any observations he made either in that House or elsewhere of bringing a charge against the East India Company—that was to say, against any individual member of the Board of Directors, as if they were anxious to misgovern India. He never had any such suspicion. He believed that the twenty-four gentlemen who constituted the Board of Directors would act just about as well as any other twenty-four persons elected by the same process, standing under the same circumstances, and surrounded by the same difficulties—having to act with another and independent body—the Board of Control. He was not hostile to the Board of Control either, because he thought that the duty imposed upon it was greater than any such body could properly perform. The right hon. Gentleman, the enormous labours of whose office could not be accomplished by any one man, coming into office in December, and having to propose a new Government for India in the month of May or June, must have found it extremely difficult to make himself master of the question. But beyond this the House should bear in mind, that during the last thirty years there had been a new President of the Board of Control every two years. Nay, in the course of last year there were no less than three Presidents of the Board of Control. Thus that Board seemed framed in a manner to make it altogether impossible that any one man should be able to conduct it in the way it ought to be conducted. Beyond this the President of that Board had to act in conjunction with the Court of Directors. Without saying anything which would impute blame to any party, it must be obvious that two such bodies combined could never carry on the government of India wisely, and in accordance with those principles which had been found necessary in the government of this country. The right hon. Gentleman had been obliged to admit that the theory of the old Government of India was one which could not be defended, and that everybody considered it ridiculous and childish; and he was not at all certain that the one that was going to be established was in any degree better. It was in 1784 that this form of government was established amid the fight of factions. In 1813 it was continued for twenty years longer, during a time when the country was involved in desperate hostilities with France. In 1833 another Bill, continuing that form of government, passed through Parliament immediately after the hurricane which carried the Reform Bill. All these circumstances rendered it difficult for the Government, however honestly disposed, to pass the best measure for the government of India. But all the difficulties which then existed, appeared to him (Mr. Bright) wholly to have vanished; and that never had any question come before Parliament more entirely free from a complication of that nature, or one which they had the opportunity of more quietly and calmly considering, than the question now before them. He should have been pleased if the right hon. Gentleman had given the House the testimony of some two or three persons on his own side of the question. But, as he had not done so, he (Mr. Bright) would trouble the House by referring to some authorities in support of his own views. He would first refer to the work of Mr. Campbell, which had already been quoted by the right hon. Gentleman. It was a very interesting book, and gave a great deal of information. That writer said—

"The division of authority between the Board of Control and the Court of Directors, the large number of directors, and the peculiar system by which measures are originated in the Court, sent for approval to the Board, then back again to the Court, and so on, render all deliverances very slow and difficult; and when a measure is discussed in India, the announcement that has been referred to the Court of Directors is often regarded as an indefinite postponement. In fact, it is evident that (able and experienced as are many of the individual directors) twenty-four directors in one place, and

> a Board of Control in another, are not likely very speedily to unite in one opinion upon any doubtful point."

That, he (Mr. Bright) thought, was likely to be the opinion of any man on the Government of India. There was another authority to which he would refer, Mr. Kaye, who had also written a very good book. It was actually distributed by the Court of Directors; he had therefore a right to consider it a fair representation of their views of what was done, especially as the Chairman of the Court had given him a copy of the book. Mr. Kaye, in referring to the double Government which existed in Bengal in 1772, made use of these expressions—when he (Mr. Bright) first read them, he thought they were a quotation from his own speeches:—

> "But enlightened as were the instructions thus issued to the supervisors, the supervision was wholly inadequate to the requirements of the case. The double Government, as I have shown, did not work well. It was altogether a sham, and an imposture. It was soon to be demolished at a blow. . . . . . . The double Government had, by this time, fulfilled its mission. It had introduced an incredible amount of disorder and corruption into the State, and of poverty and wretchedness among the people; it had embarrassed our finances, and soiled our character, and was now to be openly recognised as a failure."

This was only as to Bengal. The following were the words he used in respect to the double Government at home:—

> "In respect of all transactions with foreign Powers—all matters bearing upon questions of peace and war—the President of the Board of Control has authority to originate such measures as he and his Colleagues in the Ministry may consider expedient. In such cases he acts presumedly in concert with the Secret Committee of the Court of Directors—a body composed of the chairman, deputy-chairman, and senior member of the Court. The Secret Committee sign the despatches which emanate from the Board, but they have no power to withhold or to alter them. They have not even the power to record their dissent. In fact, the functions of the Committee are only those which, to use the words of a distinguished member of the Court (the late Mr. Tucker), who deplored the mystery and the mockery of a system which obscures responsibility and deludes public opinion, could as well be performed 'by a secretary or a seal.'"

Further on he said—

> "In judging of responsibility, we should remember that the whole foreign policy of the East India Company is regulated by the Board of Control; that in the solution of the most vital questions—questions of peace and war—affecting the finances of the country, and, therefore, the means of internal improvement, the Court of Directors have no more power than the mayor and aldermen of any corporate town. India depends less on the will of the twenty-four than on one man's caprice—here to-day and gone to-morrow—knocked over by a gust of Parliamentary uncertainty—the mistaken tactics of a leader, or negligence of a whipper-in. The past history of India is a history of revenue wasted and domestic improvement obstructed by war."

This was very much what he (Mr. Bright) complained of. He admitted the right of the East India Company to complain of many things done by the Board of Control; and he was of opinion, that if the House left the two bodies to combat one another, they would at last come to an accurate perception of what they both were. The East India Company accused the Board of Control of making wars and squandering the revenue which the Company collected. But Mr. Kaye said that Mr. Tucker deplored the mystery and the mockery of a system which obscured responsibility and deluded public opinion. It was because of this concealment, of this delusion practised upon public opinion, of this evasion of public responsibility and Parliamentary control, that they had a state of things in India which the hon. Member for Guildford (Mr. Mangles) had described, when he said that the Company managed the revenues, collected the taxes, and got from 20,000,000*l.* to 30,000,000*l.* a year, and nobody knew how much more. But, whatever it was, such was the system of foreign policy pursued by the Board of Control—that was to say, by the gentlemen who dropped down there for six or eight or twelve months, never beyond two years—that, whatever revenues were collected, they were squandered on unnecessary and ruinous wars, till the country was brought to a state of embarrassment and threatened bankruptcy. That was the real point which the House would have to consider. With regard to some of the details of the Government plan, they would no doubt all agree; but this question of divided responsibility, of concealed responsibility, and of no responsibility whatever; that was the real pith of the matter. The House should take care not to be diverted from that question. [Mr. MANGLES: Produce your own plan.] An hon. Gentleman had asked him (Mr. Bright) to produce his plan. He would not comply with that request, but would follow the example of a right hon. Gentleman, a great authority in that House, who once said, when similarly challenged, that he should produce his plan when he was called in. He believed that the plan before the House to-night was concocted by the Board of Control and the hon.

Member for Guildford and his Colleagues; he should, therefore, confine himself at present to the discussion of that plan. Some persons were disposed very much (at least he was afraid so) to undervalue this particular point he was endeavouring to bring before the House; and they seemed to fancy that it did not much matter what should be the form of government in India, since the population of that country would always be in a condition of great impoverishment and much suffering; and that whatever was done must be done there, and that after all—after having conquered 100,000,000 of people—it was not in our power to interfere for the improvement of their condition. Mr. Kaye, in his book, commenced the first chapters with a very depreciating account of the character of the Mogul Princes, with a view to show that the condition of the people of India was at least as unfavourable under them as under British rule. He would cite one or two cases from witnesses for whose testimony the right hon. Gentleman (Sir C. Wood) must have respect. Mr. Marshman was a gentleman who was well known as possessing a considerable amount of information on Indian affairs, and had, he presumed, come over on purpose to give his evidence on the subject. He was editor of a newspaper which was generally considered throughout India to be the organ of the Government; and in that newspaper, the *Friend of India*, bearing date 1st April, 1852, the following statement appeared:—

> "No one has ever attempted to contradict the fact that the condition of the Bengal peasantry is almost as wretched and degraded as it is possible to conceive—living in the most miserable hovels, scarcely fit for a dog-kennel, covered with tattered rags, and unable, in too many instances, to procure more than a single meal a day for himself and family. The Bengal ryot knows nothing of the most ordinary comforts of life. We speak without exaggeration when we affirm, that if the real condition of those who raise the harvest, which yields between 3,000,000*l.* and 4,000,000*l.* a year, was fully known, it would make the ears of one who heard thereof tingle."

It had been said that in the Bengal Presidency the natives were in a better condition than in the other Presidencies; and he recollected that when he served on the Cotton Committee, the evidence taken before it was confined to the Bombay and Madras Presidencies, and it was then said that if evidence had been taken about the Bengal Presidency it would have appeared that the condition of the natives was better; but he believed that it was very much the same in all the Presidencies. He must say that it was his belief that if a country were found possessing a most fertile soil, and capable of bearing every variety of production, and that, notwithstanding, the people were in a state of extreme destitution and suffering, the chances were that there was some fundamental error in the government of that country. The people of India had been subjected by us, and how to govern them in an efficient and beneficial manner was one of the most important points for the consideration of the House. From the Report of the Indian Cotton Committee it appeared that nearly every witness—and the witnesses were nearly all servants of the Company—gave evidence as to the state of destitution in which the cultivators of the soil lived. They were in such an abject condition that they were obliged to give 40 or 50 per cent to borrow money to enable them to put seed into the ground. He could, if it were necessary, bring any amount of evidence to prove the miserable condition of the cultivators, and that in many places they had been compelled to part with their personal ornaments. Gentlemen who had written upon their condition had drawn a frightful picture, and had represented the persons employed to collect the revenue as coming upon the unhappy cultivators like locusts, and devouring every thing. With regard to the consumption of salt, looking at the *Friend of India*, of April 14, 1853, it appeared that it was on the decline. In the year 1849–50, the consumption was 205,517 tons; in 1850–51, 186,410 tons; and in 1851–2, 146,069 tons. Thus, in the short period of three years, there had been a decrease in the consumption amounting to 59,448 tons, which would involve a loss to the revenue of 416,136*l.* [The *Friend of India* was incorrect in this statement: the real decline in the consumption of salt was about 12,000 tons.] Salt was one of those articles that people would use as much of as they could afford, and the diminution in the consumption appeared to him to be a decided proof of the declining condition of the population, and that must affect adversely the revenue of the Indian Government. Now there was another point to which the right hon. Gentleman had slightly alluded; it was connected with the administration of justice, and he would read from the *Friend of India* a case illustrative of the efficiency of the police. The statement was so extraordinary that it would be incredible but for the circumstance of its having appeared in such a respectable journal:—

> "The affair itself is sufficiently uninteresting. A native Zemindar had, or fancied he had, some

paper rights over certain lands occupied by a European planter, and, as a necessary consequence, sent a body of armed retainers to attack his factory, The European resisted in the same fashion by calling out his retainers. There was a pitched battle, and several persons were wounded, if not slain; while the Darogah, the appointed guardian of the peace, sat on the roof of a neighbouring hut and looked on with an interest, the keenness of which was probably not diminished by the fact of his own immunity from the pains and perils of the conflict. There has been a judicial investigation, and somebody will probably be punished, if not by actual sentence, by the necessary disbursement of fees and douceurs, but the evil will not be thereby suppressed or even abated. The incident, trifling as it may appear—and the fact that it is trifling is no slight evidence of a disorganised state of society—is an epitome in small type of our Bengal police history. On all sides, and in every instance, we have the same picture—great offences, the police indifferent or inefficient, judicial investigations protracted till the sufferers regret that they did not patiently endure the injury, and somebody punished, but no visible abatement of the crime. The fact is, and it is beginning at last to be acknowledged everywhere, except, perhaps, at home, that Bengal does not need so much a 'reform' or reorganisation of the police, as a police, a body of some kind, specially organised for the preservation of order. Why the change is so long postponed, no one, not familiar with the *arcana* of Leadenhall Street and Cannon Row, can readily explain."

Mr. Marshman used the expression, "the incident, trifling as it may appear;" but he would ask the House if they could conceive a state of society in a country under the Government of England, where a scene of violence such as had been described could be considered trifling. The right hon. Gentleman had, while admitting that the want of roads in some districts of India was a great evil, endeavoured to show that a great deal had been done to remedy the deficiency, and that on some roads the mails travelled as fast as ten miles an hour. Now, he believed that if the speed were taken at five miles an hour, it would be nearer the truth; and he would beg the House to excuse him if he read another extract from the *Friend of India* of April 14, 1853:—

"The Grand Trunk, however, is the only road upon which a good speed has been attained, remarks being attached to all of the remainder strongly indicative of the want of improved means of communication. From Shergotty to Gyah, and Gyah to Patna, for instance, the pace is four miles and a half an hour; but then 'the road is cutcha, and the slightest shower of rain renders it puddly and impracticable for speedy transit.' From Patna to Benares the official account is the same, but the rate increases at one stage to five miles and a half. The southern roads are, however, in the worst condition, the mails travelling to Jellasore at three miles an hour, or less than a groom can walk; and even between Calcutta and Baraset the rate rises to only four miles and a half an hour, while everywhere we have such notices as 'road intersected by numerous unbridged rivers and nullahs,' 'road has not been repaired for these many years,' 'road not repaired for years,' the 'road in so bad a state, and so much intersected by rivers and nullahs, that no great improvement in the speed of the mails can be effected.' And yet the surplus Ferry Funds might, one would think, if economically administered, be sufficient to pay at least for the maintenance of the roads already in existence. New roads, we fear, are hopeless until Parliament fixes a *minimum*, which must be expended on them; and even then it may be allowed to accumulate, as the Parliamentary grant for education has done at Madras."

The right hon. Gentleman had referred to the subject of irrigation; and he held in his hand an extract from the Report of the Commission which inquired into the subject. The Report stated that—

"The loss of revenue by the famine of 1832-33 is estimated at least at 1,000,000*l*. sterling; the loss of property at a far greater amount; of life, at 200,000 or 300,000; and of cattle, at 200,000 at the lowest, in Guntore alone, besides the ruin of 70,000 houses. The famine of the Northern Circars in 1833, and that of the north-western provinces of India at a later period, prove with irresistible force that irrigation in this country is properly a question, not of profit, but of existence."

The right hon. Gentleman had also quoted from a Report by Colonel Cotton on the subject of the embankment of the Kistna. Now, the embankment of the Kistna had been recommended as far back as the year 1792, and from that time had been repeatedly brought forward. The whole estimate for it was but 155,000*l*., and it was not until September, 1852, that the preliminary operations were commenced. He found this officer stating with respect to the district of Rajamundry, that if a particular improvement that had been recommended above twenty years ago had been carried out, it would have saved the lives of upwards of 100,000 persons who perished in the famine of 1837. He said that such facts as these were a justification of stronger language than any in which he (Mr. Bright) had indulged in reference to the neglect of the Indian Government whether in that House or out of it. The right hon. Gentleman candidly informed them that this very embankment had been recently stopped by order of the Madras Government, because the money was wanted for other purposes—the Burmese war, no doubt. In the year 1849 it was reported that Colonel Cotton wrote a despatch to the Madras Government, in which, after mentioning facts connected with the famines, he insisted, in strong and indignant language, that the improvements should go on. He (Mr. Bright) believed that there was an allusion in the letter to the awkward look these things would have pending the discussions on the Government of India, and he understood that it was agreed that the original letter, which countermanded the improvements, should be withdrawn, and that then the remonstrance from Colonel Cotton should also be withdrawn. A gentleman who had been in the Company's service, and who had for some time been engaged in improvements, chiefly in irrigation, wrote in a private letter as follows:—

> "From my late investigations on this subject, I feel convinced that the state of our communications is the most important subject which calls for consideration. I reckon that India now pays, for want of cheap transit, a sum equal to the whole of the taxes; so that by reducing its cost to a tenth, which might easily be done, we should as good as abolish all taxes. I trust the Committees in England are going on well, in spite of the unbecoming efforts which have been made to circumscribe and quash their proceedings. Woe be to India, indeed, if this opportunity is lost! Much will depend upon you (the letter was not addressed to himself) and others now in England, who know India, and have a single eye to its welfare. It behoves you to do your utmost to improve this most critical time, and may God in his mercy overrule all the efforts of man for its good! What abominations, villanies, and idiocies there still are in our system! Is there no hope, no possibility, of infusing a little fresh blood from some purer source into these bodies (the ruling authorities)? It is quite clear that no radical improvement can take place till some influences can be applied to stimulate our rulers to more healthy, wholesome action; health can never be looked for in a body constituted as the Court of Directors now is; nothing but torpid disease can be expected as matters now stand."

With respect to the administration of justice, he should not go at any length into that subject, because he hoped it would be taken up by some other Gentleman much more competent than himself, and he trusted that a sufficient answer would be given to what had been stated by the right hon. Gentleman. However, as far as he was able to understand, there appeared to be throughout the whole of India, on the part of the European population, an absolute terror of coming under the Company's Courts for any object whatever. Within the last fortnight he had had a conversation with a gentleman who had seen a long period of service in India, and he declared it was hopeless to expect that Englishmen would ever invest their property in India under any circumstances which placed their interests at the disposal of those courts of justice. That was one reason why there appeared no increase in the number of Europeans or Englishmen who settled in the interior of India for the purpose of investing their capital there. The right hon. Gentleman endeavoured to make an excuse on the ground that the Law Commission had done nothing. He was not in the House when the right hon. Member for Edinburgh (Mr. Macaulay) brought forward the Bill of 1833, but he understood it was stated that the Law Commission was to do wonders; yet, now they had the evidence of the right hon. Gentleman the President of the Board of Control, that the Report of the Law Commission had ever since been going backwards and forwards, like an unsettled spirit, between this country and India. Mr. Cameron, in his evidence, said, he supposed it was slumbering somewhere on the shelves in the East India House; that the Court of Directors actually sneered at the propositions of their officers for enactments of any kind, and that it was evident their object was gradually to extinguish the Commission altogether. Yet the evidence of Mr. Cameron went to show the extraordinary complication and confusion of the law and law administration over all the British dominions in India. The right hon. Gentleman the President of the Board of Control also referred to the statistics laid before the public; but he (Mr. Bright) wanted to know why Colonel Sykes' statistical tables were not before the House. They were at the India House; but a journey to Leadenhall-street seemed to be as long as one to India, and one could as soon get a communication by the overland mail as any information from the India House. What did Colonel Sykes say, with respect to a subject referred to by the right hon. Gentleman, who had given the House to suppose that a great deal had been done in respect to improvements in India? Colonel Sykes stated that in fifteen years, from 1838 to 1852, the average expenditure throughout the whole of India on public works, including roads, bridges, tanks, and canals, was 299,732*l.* The north-west appeared to be the pet district; and in 1851 the total expenditure was 334,000*l.*, of which the north-west district had 240,000*l.* In 1852 the estimate was 693,000*l.*, of which the north-west district was to have 492,000*l.*, leaving only 94,000*l.* in 1851, and 201,000*l.* in 1852, for public works of all kinds in the three Presidencies of Bengal, Madras, and Bombay, with a population of 70,000,000 souls. The right hon. Gentleman then referred to the exports from this country, and the increase of trade with India; and a kindred subject to that was the mode in which Englishmen settled in India. What he (Mr. Bright) wanted to show was, that the reason why so little was done with India by Englishmen was, that there did not exist in that country the same security for their investments as in almost every other country in the world; and he recollected receiving from Mr. Mackay, who was sent out by the Manchester Chamber of Commerce, a letter expressing his amazement that he found that in the interior of India an Englishman was hardly known, unless he now and then made his appearance as a tax collector. The following Return showed in what small numbers Europeans resorted to India:—

"British-born subjects in India not in the service of the Queen or the Company—

Bengal	6,749	
Madras	1,661	
Bombay	1,596	—10,006

"In the interior of the country, engaged in agriculture or manufactures—

Bengal	273	
Madras	37	
Bombay	7	—317"

He could not believe, if the United States had been the possessors of India, but that where there were tens of Europeans now in that country there would have been not hundreds, but thousands of the people of America. The right hon. Gentleman spoke of the exports to India, and wanted to show how large they were. Certainly they had increased very much, because they started from nothing at all, and before the opening of the trade the Court of Proprietors, by resolution, declared that it was quite a delusion to suppose it possible to increase the trade with India. In 1850 the total exports to India from Great Britain and Ireland were 8,024,000*l.*, of which cotton goods alone amounted to 5,220,000*l.*, leaving 2,804,000*l.* for the total exports from Great Britain and Ireland upon all other branches of industry other than cotton. Now, let the House make a comparison with another country with which a moderately fair comparison might be made. Brazil had a population of 7,500,000 souls, half of whom were reckoned to be slaves, yet the consumption of British goods was greater in Brazil, in proportion to the population, than in India—the former country with a population of 7,500,000, taking British goods to the amount of 2,500,000*l.* If India took but half the quantity of our exports that Brazil did in proportion to her population, she would take more than five times what she now took. Yet Brazil was a country upon which we had imposed the payment of exorbitant duties, which we had almost debarred from trading with us by an absurd monopoly in sugar, while India was a country entirely under our own government, and which, they were told, was enjoying the greatest possible blessings under the present administration, even compared with what it enjoyed under its former rulers. Our exports to India in 1814 were 826,000*l.*; in 1832 they were 3,600,000*l.*; in 1843 they were 6,500,000*l.*; and in 1850 they were 8,000,000*l.* India consumed our exports at the rate of 1*s.* 3*d.* per head; whilst in South America, including the whole of the slave population, the consumption per head was 8*s.* 8*d.* These were facts which the right hon. Baronet was bound to pay serious attention to; and for himself, representing, as he did, one of our great seats of manufacturing industry, he felt himself doubly called upon to lose no opportunity of bringing such facts before the House, satisfied as he was that there was no Member of that House so obtuse as not to comprehend how materially the great manufacturing interests of this country were concerned in the question—what should be the future Government of India. Another subject requiring close attention on the part of Parliament was the employment of the natives of India in the service of the Government. The right hon. Member for Edinburgh (Mr. Macaulay), in proposing the India Bill of 1833, had dwelt on one of its clauses, which provided that neither colour, nor caste, nor religion, nor place of birth, should be a bar to the employment of persons by the Government; whereas, as matter of fact, from that time to this, no person in India had been so employed, who might not to have been equally employed before that clause was enacted; and, from the statement of the right hon. Gentleman the President of the Board of Control, that it was proposed to keep up the covenanted service system, it was clear that this most objectionable and most offensive state of things was to continue. Mr. Cameron, a gentleman thoroughly versed in the subject, as fourth member of Council in India, President of the Indian Law Commission, and of the Council of Education for Bengal—what did he say on this point? He said—

"The statute of 1833 made the natives of India eligible to all offices under the Company. But during the twenty years that have since elapsed, not one of the natives has been appointed to any office except such as they were eligible to before the statute. It is not, however, of this omission that I should feel justified in complaining, if the Company had shown any disposition to make the natives fit, by the highest European education, for admission to their covenanted service. Their disposition, as far as it can be devised, is of the opposite kind.

"When four students (added Mr. Cameron) were sent to London from the Medical College of Calcutta, under the sanction of Lord Hardinge, in Council, to complete their professional education, the Court of Directors expressed their dissatisfaction; and when a plan for establishing a University at Calcutta, which had been prepared by the Council of Education, was recommended to their adoption by Lord Hardinge, in Council, they answered that the project was premature. As to the Law Commission, I am afraid that the Court of Directors have been accustomed to think of it only with the intention of procuring its abolition."

Under the Act of 1833 the natives of India were declared to be eligible to any office under the Company. No native had, in the twenty years which had since elapsed, been appointed to any office in pursuance of that clause which he might not have held before the Bill passed, or had it never passed at all. There might not, perhaps, have been so much reason to complain of this circumstance, had the Government of India meanwhile shown a disposition to qualify the natives for the covenanted service; but the fact was that the Government had, on the contrary, manifested a disposition of a totally opposite character. The House must be very cautious not to adopt the glossed and burnished statement of the right hon. Gentleman, as exhibiting the real state of things in India; for it was essential, in the highest degree, that in the present critical juncture of things the whole truth should be known. The right hon. Baronet, towards the close of his speech, had gone into the subject of education, and not so much into that of ecclesiastical establishments in India, but somewhat into that of religion. Now, with reference to education, so far as could be gathered from the Returns before the House—he had sought to obtain Returns of a more specific character, but to no purpose, having received the usual answer in these matters, that there was no time for preparing them — but from the Returns they had before them he found that while the Government had overthrown almost entirely the native education that had subsisted throughout the country so universally that a schoolmaster was as regular a feature in every village as the "potail" or head man, it had done next to nothing to supply the deficiency which had been created, or to substitute a better system. Out of a population of 100,000,000 natives we instructed but 25,000 children; out of a gross revenue of 29,000000*l.* sterling, extracted from that population, we spent but 66,000*l.* in their education. In India, let it be borne in mind, the people were not in the position with regard to providing for their own education which the people of this country enjoyed, and the education which they had provided themselves with, the Government had taken from them, supplying no adequate system in its place. The people of India were in a state of poverty, and of decay, unexampled in the annals of the country under their native rulers. From their poverty the Government wrung a gross revenue of more than 29,000,000*l.* sterling, and out of that 29,000,000*l.*, returned to them 66,000*l.* per annum for the purposes of education! What was our ecclesiastical establishment in India? Three bishops and a proportionate number of clergy, costing no less than 101,000*l.* a year, for the sole use of between 50,000 and 60,000 Europeans, nearly one-half of whom, moreover—taking the army — were Roman Catholics. He might add, that in India, the Government showed the same discrimination of which the noble Member for the City of London (Lord J. Russell) seemed to approve so much the other night, for, although they gave to one Protestant bishop 4,000*l.* a year, with 1,200*l.* a year more for expenses and a ship at his disposal, and to two other Protestant bishops between 2,000*l.* and 3,000*l.* a year, they gave to the Roman Catholic bishop a paltry sum of about 250*l.* a year. The East India Company were not, perhaps, herein so much to blame, seeing that they did but follow the example of what was going on in this country. There was another question—perhaps the most important of all — the question of Indian finance, which, somehow or other, the right hon. Baronet had got over in so very lame a manner, in so particularly confused a style, that had he not known something of the matter previously, he should have learnt very little from the right hon. Baronet's statement. A former Director of the East India Company had, on this subject, issued a book —of course, in defence of the Company. Here were two or three facts extracted from this book:—From 1835 to 1851—sixteen years—the entire net taxation of India had produced 340,756,000*l.*; the expenditure on the Government in the same period having been 341,676,000*l.* — an amount somewhat in excess of the revenue.

During these sixteen years there had been also expended on public works of all kinds 5,000,000*l.*, and there had been paid, in dividends, to the proprietors of East India stock, 10,080,000*l.*; making a total expenditure of 356,756,000*l.* In the same period the Company had contracted loans to the extent of 16,000,000*l.*, every farthing of which had gone to improvements, the stated extent of which he believed to have been greatly magnified, and to pay the amiable ladies and gentlemen whose votes returned to Leadenhall Street those immaculate Directors whom the Government seemed so desirous of cherishing. All expenditure for improvements of every kind, and all dividends to stockholders, have been paid from loans contracted during the last sixteen years; so that the whole revenue had been expended, leaving nothing for improvements and nothing for the Company's dividends. This seemed to him a formidable, an alarming state of things. The right hon. Gentleman spoke of the Indian debt coming upon the people of this country, expressing the opinion that if the Government of India were transferred to the Crown—which assuredly it ought to be—the debt ought so to be transferred. The debt was not in the present Budget, indeed, but it would certainly come before the House. He had already referred to a memorable speech of the late Sir Robert Peel on this subject, in 1842, just after the right hon. Baronet had come into office, and, finding the country left by the Whigs with an Exchequer peculiarly discouraging to a Chancellor of the Exchequer, was about to propose that temporary income tax which had since become permanent. He said, after referring to the affairs of Canada and China—

> "For the purpose of bringing before the House a full and complete view of our financial position, as I promised to do, I feel it to be my duty to refer to a subject which has of late occupied little attention in the House, but which I think might, with advantage to the public, have attracted more of their regard—I refer to the state of Indian finance, a subject which formerly used to be thought not unworthy of the consideration of this House. I am quite aware that there may appear to be no direct and immediate connexion between the finances of India and those of this country; but that would be a superficial view of our relations with India which should omit the consideration of this subject. Depend upon it, if the credit of India should become disordered, if some great exertion should become necessary, then the credit of England must be brought forward to its support, and the collateral and indirect effect of disorders in Indian finances would be felt extensively in this country. Sir, I am sorry to say, that Indian finance offers no consolation for the state of finance in this country. I hold in my hand an account of the finances of India, which I have every reason to believe is a correct one. It is made up one month later than our own accounts—to the 5th of May. It states the gross revenue of India, with the charges on it; the interest of the debt; the surplus revenue, and the charges paid on it in England; and there are two columns which contain the net surplus and the net deficit. In the year ending May, 1836, there was a surplus of 1,520,000*l.* from the Indian revenue. In the year ending the 5th of May, 1837, there was a surplus of 1,100,000*l.*, which was reduced rapidly in the year ending May, 1838, to one of 620,000*l.*. In the year ending the 5th of May, 1839, the surplus fell to 29,000*l.*; in the year ending the 5th May, 1840, the balance of the account changed, and so far from there being any surplus, the deficit on the Indian revenue was 2,414,000*l.* I am afraid I cannot calculate the deficit for the year ending May, 1841, though it depends at present partly on estimate, at much less than 2,334,000*l.* The House, then, will bear in mind, that in fulfilment of the duty I have undertaken, I present to them the deficit in this country for the current year to the amount of 2,350,000*l.*, with a certain prospect of a deficit for the next year to the amount of at least 2,470,000*l.*, independently of the increase to be expected on account of China and Affghanistan, and that in India, that great portion of our Empire, I show a deficit on the two last years which will probably not be less than 4,700,000*l.*—[3 *Hansard*, lxi. 428–9.]

Now, this deficit had in the period since 1842 been growing every year, with the exception of two years, when, from accidental and precarious circumstances, a surplus of between 300,000*l.* and 400,000*l.* was made out. The course of deficit had now, however, been resumed, and there was probably no one in that House or in the country but the right hon. President of the Board of Control who did not perceive that the Burmese war would materially aggravate the amount of that deficit. Where was this to end? When the Board of Control was first established, the debt was 8,000,000*l.*; in 1825 it was 25,000,000*l.*; in 1829 it was 34,000,000*l.*; in 1836, 37,000,000*l.*; in 1843, 36,000,000*l.*; in 1849, 44,000,000*l.*; in 1853, 47,000,000*l.*; and, now, including the bond debt at home and the debt in India, it was about 51,000,000*l.* The military expenditure of India had increased since the last Charter Act from 8,000,000*l.* a year, to more than 12,000,000*l.* a year, and now formed no less than 56 per cent of the whole expenditure. He believed that if the Indian Government would endeavour to improve the condition of the people by attending to economic principles, by establishing better means of communication, by promoting irrigation, and by affording facilities for education, the Indian population would at once be convinced that there was a feeling of sympathy entertained towards them on the part of their rulers and conquerors, and the idea—which he believed prevailed very extensively—that we held India more with the object of extorting taxation than of benefiting the people, would speedily be removed. When he came to consider the amount of the revenue, and its pressure upon the population, he thought he could show a state of things existing in India which could not be paralleled in any country in the world. The evidence of Mr. Davies and Mr. Stewart, collectors in Guzerat, showed that in that district the actual taxation varied from 60 to 90 per cent upon the gross produce of the soil. Mr. Campbell calculated the gross revenue of India at about 27,000,000*l.*; and Mr. Kaye, a recent authority, who, he (Mr. Bright) presumed, wrote his book at the India House, stated that the gross revenue was 29,000,000*l.* The land revenue was 12,000,000*l.* or 13,000,000*l.*; and although the Government took, or intended to take, all the rent, it was not half enough for them, and they were obliged to take as much more from other sources in order to enable them to maintain their establishments. He mentioned this fact to show the enormous expense of the Indian Government, and the impossibility of avoiding a great and dangerous financial crisis unless some alteration was made in the present system. Mr. Campbell, speaking of the Indian revenues under the Mogul Princes, said—

> "The value of food, labour, &c., seems to have been much the same as now—that is, infinitely cheaper than in Europe; and, certainly, in comparison to the price of labour and all articles of consumption, the revenue of the Moguls must have been more effective than that of any modern State—I mean that it enabled them to command more men and luxuries, and to have a greater surplus."

He (Mr. Bright) would ask the House to imagine that all steam engines, and all applications of mechanical power, were banished from this country; that we were utterly dependent upon mere manual labour; and what would they think if the Chancellor of the Exchequer, under such circumstances, endeavoured to levy the same taxation which was now borne by the country? From one end of India to the other, with very trifling exceptions, there was no such thing as a steam engine; but this poor population, without a steam engine, without anything like first-rate tools, were called upon to bear, he would venture to say, the very heaviest taxation under which any people ever suffered with the same means of paying it. Yet the whole of this money, raised from so poor a population, which would in India buy four times as much labour, and four times as much of the productions of the country, as it would obtain in England, was not enough to keep up the establishments of the Government; and during the last sixteen years the Indian Government had borrowed 16,000,000*l.* to pay the dividends to the proprietors in England. The opium question had been alluded to by the right hon. Gentleman (Sir C. Wood), and he (Mr. Bright) must say he did not know any one connected with China, or at all acquainted with the subject, who was not of opinion that the opium revenue was very near its termination. Even the favourite authority of the President of the Board of Control, Mr. Marshman, declared his opinion that India was on the verge of a great financial crisis. Whether the present Chinese Government retained its power, or the insurgents were successful, and a new dynasty was established, the scruple against the importation of opium into China from India having once been removed, the transition to the growth of the drug in China was very easy, and there could scarcely be a doubt that opium would soon be as extensively cultivated in that country as ever it was in India. This might very soon produce a loss of 3,000,000*l.* of revenue to the East India Company. There had already been an annual deficit in the revenues of the East India Company for the last fifteen years; they had to bear the cost of a Burmese war; and the annexation of new territory would only bring upon them an increased charge, for Pegu would never repay its expenses, and yet they had the prospect of losing 3,000,000*l.* of their revenue within a very few years. Now, what would the Chancellor of the Exchequer say if the President of the Board of Control came to that House and proposed to raise a loan upon the credit of this country for the purpose of maintaining our territory in India? Would it not be better at once to ascertain whether the principles and policy on which they had hitherto proceeded had not been faulty? Should they not rather endeavour to reduce their expenditure, to employ cheaper labour, to increase the means of communication in India, which would enable them to dispense with a portion of their troops, and to make it a rule that the Governor General should have more honour when he came home, for not having extended by an acre the territory of our Indian possessions, than if he had added a province or a kingdom to them. The plan proposed by the President of the Board of Control appeared to him (Mr. Bright) very closely to resemble that which existed at present. He certainly thought there never was so great a cry and so little wool. The result, so far as regarded the real question, about which the public were most interested, was this, that the twenty-four gentlemen who were directors of the East India Company, were, by a process of self-immolation, to be reduced to fifteen. He (Mr. Bright) thought this reduction would be one of the most affecting scenes in the history of the Government of India. As the East India Company kept a writer to record their history, he hoped they also kept an artist to give us an historical painting of this great event. There we should see the hon. Member for Guildford (Mr. Mangles), the hon. Member for Honiton (Sir J. W. Hogg), one of the hon. Members for the City of London, and the other directors, meeting together, and looking much like shipwrecked men in a boat casting lots who should be thrown overboard. To the fifteen directors who were to remain, three others were to be added, and the result would be that, instead of having twenty-four gentlemen sitting in Leadenhall-street, to manage the affairs of India, there would be eighteen. The present constituency was so bad that nothing the President of the Board of Control could do could make it worse; but as that right hon. Gentleman found it impossible to make it better, he let the constituency remain as it was. The right hon. Baronet proposed that the Crown should appoint six members of the Board who had been at least ten years in India, so that there might at all events be that number of gentlemen at the Board fit for the responsible office in which they were placed. But this was an admission that the remaining twelve members of the Board were not fit for their office. They had two ingredients—the one wholesome, the other poisonous; but there were two drops of poison to one of wholesome nutriment. The right hon. Gentleman mixed them together, and then wanted Parliament and the country to believe that he had proposed a great measure. As regarded the right hon. Gentleman's speech, he must say he had never heard so great a one—he meant as to length—where the result, so far as the real thing about which people wished to know, was so little. The twelve gentlemen appointed by the present constituency were degraded already by the right hon. Gentleman's declaration, that they were not elected in a satisfactory manner, and that they were not fit persons for the government of India. They were, in fact, bankers and brewers, and men of all sorts, in the City of London, who found it their interest to get into the Court of Directors—no matter by what channel—because it added to the business of their bank, or whatever else might be the undertaking in which they were engaged; but they had no special qualification for the government of India. If the Government thought it right to have six good directors, let them abolish the twelve bad ones. Then it appeared that the Secret Department was to be retained. Speaking of this, Mr. Kaye, quoting the authority of Mr. Tucker, a distinguished director, said it was no more than a secretary and a seal. Next came a most extraordinary proposition. Hitherto the directors had undergone all the hardship of governing India for 300*l.* a year; but the right hon. Gentleman now proposed to raise their wages by 4*l.* per week each. Why, he must say, that if this body was to be salaried at all, and was not to have the profit of the patronage enjoyed by the present Government, nothing could be worse economy than this, with a view to obtaining a body which should command the respect, and have the amount of influence, requisite for conducting the Government of India. Sixteen of the directors, receiving 500*l.* a year each—why, they would have to pay their clerks much more!—and the chairman and the deputy-chairman 1,000*l.* a year each. The whole of the right hon. Gentleman's scheme seemed to bear the marks of—he was almost afraid to say what; but he seemed to have tried to please every one in framing his great proposition, and at last had landed the House in a sort of half measure, which neither the East India Company nor India wanted. If he (Mr. Bright) had made a speech such as the right hon. Gentleman had delivered, and believed what he said, he would leave the Indian Government as it was; but if he thought it necessary to alter the Government, he would do so on principle essentially. The right hon. Gentleman was afraid of bringing the Government of India under the authority of the Crown. What, he would like to know, would have been done if India had been conquered by the troops of the Crown? We should then never have sent some thirty men into a by-street of London to distribute patronage and govern a great country. The government of India would then have been made a department of the Government, with a Council and a Minister of State. But it appeared that the old system of hocus-pocus was still to be carried on. This was no question of Manchester against Essex—of town against country—of Church against Nonconformity. It was a question in which they all had an interest, and in which their children might be more deeply interested than they were themselves. Should anything go wrong with the finances, we must bear the burden; or should the people of India by our treatment be goaded into insurrection, we must reconquer the country, or be ignominiously driven out of it. He would not be a party to a state of things which might lead to the writing of a narrative like this on the history of our relations with that empire. Let the House utterly disregard the predictions of mischief likely to result from such a change in the Government of India as that which he advocated. When the trade was thrown open, and the Company was deprived of the monopoly of carrying, they said the Chinese would poison the tea. There was nothing too outrageous or ridiculous for the Company to say in order to prevent the Legislature from placing affairs on a more honest footing. He objected to the Bill, because—as the right hon. Gentleman admitted—it maintained a double Government. In the unstatesmanlike course which the right hon. Gentleman was pursuing, he would, no doubt, be especially backed by the noble Lord the Member for London. He only wished that some of the younger blood in the Cabinet might have had their way upon this question. Nothing could induce him to believe, after the evidence which was before the public, that this measure had the approbation of an united Cabinet. It was not possible that thirteen sensible gentlemen, who had any pretensions to form a Cabinet, could agree to a measure of this nature. He was more anxious than he could express that Parliament should legislate rightly in this matter. Let us act so at this juncture that it might be said of us hereafter—that whatever crimes England originally committed in conquering India, she at least made the best of her position by governing the country as wisely as possible, and left the records and traces of a humane and liberal sway. He recollected having heard the noble Lord the Member for Tiverton (Viscount Palmerston) deliver in that House one of the best speeches he ever listened to. On that occasion the noble Lord gloried in the proud name of England, and, pointing to the security with which an Englishman might travel abroad, he triumphed in the idea that his countrymen might exclaim, in the spirit of the ancient Roman, *Civis Romanus sum.* Let us not resemble the Romans merely in our national privileges and personal security. The Romans were great conquerors, but where they conquered, they governed wisely. The nations they conquered were impressed so indelibly with the intellectual character of their masters, that, after fourteen centuries of decadence, the traces of civilisation were still distinguishable. Why should not we act a similar part in India? There never was a more docile people, never a more tractable nation. The opportunity was present, and the power was not wanting. Let us abandon the policy of aggression, and confine ourselves to a territory ten times the size of France, with a population four times as numerous as that of the United Kingdom. Surely that was enough to satisfy the most gluttonous appetite for glory and supremacy. Educate the people of India, and govern them wisely, and gradually the distinctions of caste would disappear, and they would look upon us rather as benefactors than as conquerors. And if we desired to see Christianity, in some form, professed in that country, we should sooner attain our object by setting the example of a high-toned Christian morality, than by any other means we could employ.

MR. J. PHILLIMORE moved the adjournment of the debate.

LORD JOHN RUSSELL said, he proposed to take the third reading of the Income Tax Bill on Monday, and he would put this adjourned debate next after it, in the hope that the House would then allow it to be brought in. Of course, it was important that the House should have a knowledge of the details from the Bill itself. He should, therefore, be sorry for there to be a lengthened debate before the House was acquainted with the details of the measure. In the hope that the adjourned debate would not be of great extent, he would put it for Monday next.

MR. DISRAELI said, he hoped that the noble Lord would allow the House time to consider the Bill before they were called upon to approve its principle.

LORD JOHN RUSSELL said, he did not understand the right hon. Gentleman to say that he meant to oppose the introduction of the Bill. If they were to have a debate of a week or ten days on the introduction of the Bill, the House would be kept all that time from a knowledge of its details.

MR. DISRAELI said, he referred to the interval between the first and second readings.

MR. J. PHILLIMORE asked if the noble Lord objected to the debate being adjourned for one night?

LORD JOHN RUSSELL said, he only hoped that the debate would not be a very long one.

MR. MONCKTON MILNES said, the East India Company had been put upon its trial. Heavy indictments had been preferred against it; and it was important that the opportunity should be given of answering them before the Bill came before Parliament.

MR. HUME said, it was most important that they should know the truth, in order that they might remove the abuses existing in connexion with the Company. Many of the statements of his hon. Friend (Mr. Bright) were unanswerable. There were others which did not apply at all to the Company. He was, therefore, very anxious, not simply to adjourn the debate, but to give the fullest opportunity for discussion. He considered the question of the utmost importance.

MR. BLACKETT said, this was a preliminary discussion, which could not so well be taken at any other stage.

LORD JOHN RUSSELL said, it would depend on that whether the introduction of the Bill was postponed or not.

Debate *adjourned* till *Monday* next.

The House adjourned at a quarter before One o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, June 6, 1853.

MINUTES. PUBLIC BILL.—3ª Evidence Amendment.

CRIMINAL CODE OF MALTA.

The EARL of SHAFTESBURY said, a rumour had reached this country that the Maltese criminal code, which had been recently revised, contained terms derogatory to the dignity of the Church of England, and of all other denominations which were not in communion with the Church of Rome. He wished to ask whether the revised code, or any documents on the subject, had yet reached this country; and, if so, whether the noble Duke opposite would consent to lay them on the table? He also wished to know whether any opportunity would be afforded to Parliament of expressing an opinion upon the matter before the revised code received the final sanction of the Government?

The DUKE of NEWCASTLE replied, that the Governor of Malta had not yet transmitted to Her Majesty's Government a copy of the revised criminal code; but he had informed the Government that he had delayed doing so until the code, which was in the Italian language, had been translated and printed. He (the Duke of Newcastle) was not at present prepared to say whether he could lay upon the table the whole criminal code of Malta; but full opportunity would be afforded the noble Earl for ascertaining the bearings of the alterations which had been made before any conclusion was come to on the subject. He might, however, without entering into the merits of the case, take this opportunity of earnestly pressing the noble Earl not to allow his feelings to carry him away in this matter, or to take any rash steps with regard to the proposed criminal code until he was fully acquainted with the bearing of the case on both sides, as there were strong religious feelings engaged in the question.

EVIDENCE AMENDMENT BILL.

LORD BROUGHAM moved the Third Reading of the Law of Evidence Amendment Bill. He had, as their Lordships might recollect, omitted the provisions which were not so universally agreed to as those now retained, reserving the omitted ones for another Bill which had been read a second time. They were, he trusted, likely to be finally adopted, for, with one exception—the provision respecting self-crimination—all of them had received the support of the Common Law Commissioners, whose second Report now lay upon their Lordships' table. Those provisions, in his opinion, were calculated to effect a great improvement in the law both of Evidence and Procedure. It was not to be denied that they effected a very considerable change in the law; and it was most satisfactory to find that the learned Commissioners had arrived at the opinion which they pronounced in favour of them. This they had done without any communication with him. He had described them in the letter addressed to Lord Denman last August, and which was subsequently published. The Commissioners were probably about the same time prosecuting those inquiries which had led to their most able report; a report which it was impossible too highly to commend both for its sound practical sense, its cogent reasoning, and its enlarged, but moderate and rational views. He had reason to expect that the Bill founded upon this report would not be long delayed, as his noble and learned Friend on the woolsack had announced that it was in preparation. He ventured to hope that in framing its provisions the learned Commissioners would take into their consideration those of the Bill to which their Lordships had given a second reading. Not because he had the least partiality to his own draft—for he had drawn the Bill last autumn in the country, at a distance from his professional brethren—but because he had submitted that draft to some of the ablest and most experienced among them; and the Bill, as presented to the House, was the result of their labours, on which he set great store after his own, to which he attached very little importance. It would be wholly unworthy of the Commissioners to reject the provisions framed, from the mere desire to have a draft differently framed. When the substance of all the proposed enactments was the same, nothing should have prevented him from urging their Lordships to pass the Bill already advanced to its last stages, but the desire to see its provisions adopted by the Commissioners in their more comprehensive measure. With this view he had separated the original Bill into two; and the clauses for completing the great measure of 1851, allowing parties to be both competent and compellable to give evidence, were the only ones retained in the Bill to which he now asked their Lordships to give a third reading—clauses, namely, respecting the examination of husband and wife, already passed in the Scotch Evidence Act.

The LORD CHANCELLOR said, he was deeply indebted to his noble and learned Friend for his efforts to put the law upon the subject of evidence upon the only rational foundation on which it could be based, namely, that all persons capable of giving useful information should be capable of being examined. He was willing to admit that he had been one of those who were opposed to the provisions of a measure similar to the present two or three years ago; but his doubts were now settled, and he was convinced, from seeing the way in which the existing law had worked, that they were without foundation, particularly as the husband and wife now stood in the same relation, as to evidence, as attorney and client. Whatever passed between attorney and client was professional confidence, and whatever passed between husband and wife was domestic confidence, and protected in the same way as professional confidence. He therefore approved of the Bill, and thought the public were greatly indebted to his noble and learned Friend for it.

LORD CAMPBELL entirely approved of the present measure, and said he was glad to see that his noble and learned Friend did not expect to carry his other measure for the abolition of trial by jury in civil cases. The trial by jury in civil cases had an admirable effect. It was conducive of good to the litigants and to the public; yet his noble and learned Friend proposed that it should be substantially abolished, because he proposed to abolish it in all cases without exception, unless the parties expressly and positively required it. Now, he was convinced it was infinitely better to try cases by a Judge and a jury, than by a Judge without a jury. When we talked of trial by jury, we must always consider that it meant trial by a Judge and a jury. In the great majority of cases the jury were always willing to take the view of the case which the Judge recommended; still juries were a most important, necessary, and useful check upon the Judge; and, according to his experience, where the Judge and jury had differed, it had generally happened that the jury were right, and the Judge wrong.

LORD BROUGHAM said, his noble and learned Friend might just as accurately have described the Bill to which he referred as a measure for abolishing trial by Judges as for abolishing trial by jury—which God forbid! He did not think he had ever heard, even from the ingenuity of his noble and learned Friend—and that was saying a great deal—so great a misrepresentation of the case as that which he had now heard; for, instead of being a Bill for abolishing trial by jury, it was rather a Bill to perpetuate all that was good in trial by jury. However, when the measure came down to their Lordships, recommended by the learning and weight of the Commissioners who were now considering the subject, he was not without a hope that it would receive the concurrence even of his noble and learned Friend.

Bill read 3ª.

An Amendment made; Bill *passed*, and sent to the Commons.

BURMESE WAR.

The Earl of ELLENBOROUGH said, that before putting the question of which he had given notice, with respect to the war in Ava, he hoped to be allowed to recall to their Lordships' recollection some important circumstances that had taken place since he last addressed the House on the subject, on the 24th of February. Very soon after that date information was received of a revolution having taken place at Ava; that a conflict had occurred between the Sovereign and one of his relatives; and that in consequence of that revolution all the troops which were in front of the position taken up by our army at Prome, had been withdrawn towards the capital; likewise all the forces which were between the Arracan mountains and the Irrawaddy, were withdrawn, as also the forces which had attacked our detachments in occupation of Pegu; and at that moment there undoubtedly would have been no organised resistance to the march of General Godwin upon Ava, had it been possible for him to effect that march, destitute as he was of the means of movement. He (the Earl of Ellenborough) apprehended that at that time he had about 3,500 troops disposable for that march; but being destitute of the means of moving on land, and the water in the river being so low that steamers would have had very great difficulty in accompanying him in his march, he was obliged to give up the idea of marching upon Ava, and to remain where he was when the alteration took place. Under these circumstances General Godwin detached only a small body of men somewhat in advance; but with that exception he had remained stationary during rather more than three months. He knew it had been frequently observed, both here and in India, that the first measure to be adopted by the Government of India in case of war with Ava would be to advance up the Irrawaddy with troops embarked in steamers, so as to make a demonstration against the capital itself. The Governor General expressed in very strong terms his objection to that measure; and he (the Earl of Ellenborough would say that he entirely concurred in the justice of his objections. He believed that such a measure would have been at the time one full of peril; that at no time could the limited force at his disposal be embarked with safety; and that there was no probability whatever of its producing the effect that had been anticipated from it. General Godwin remained, then, stationary at Prome. He (the Earl of Ellenborough) would now mention what changes had taken place in other parts of the theatre of war. A very enterprising officer, Captain Nuthal, having taken possession—the enemy not being on his guard—of a fortified stockade on the summit of a pass which led from Aeng to the Irrawaddy, some 147 elephants had been passed through the valley of the Irrawaddy direct to Prome. That pass in former wars was considered impracticable for animals; but the elephants had been passed through and arrived at Prome, so that to that extent there were the means of moving. However, unfortunately at the time the troops moved out to facilitate the advance of the elephants to Prome, the Burmese got possession of our draft bullocks, owing to which circumstance the means of moving were not materially improved—for although they had gained considerable facilities by the possession of the 147 elephants, it was obvious that that means of carriage must have been totally insufficient for moving the whole army. A force was also despatched under General Steele from Martaban, and the forces of the enemy having been withdrawn from the intervening country, he, without difficulty, advanced from Martaban to the position now held by him with a body of some 800 men at Tonghoo—having scattered his force in three different places on the banks of the river. That being the position of General Godwin at Prome, and General Steele being posted on his right flank, there had occurred two occasions, he regretted to say, in which we were repulsed with very considerable loss. The first was one in which our naval forces were alone engaged; and the second one, in which a considerable military and naval force, to the extent of about 600 men, were engaged. On the last occasion the repulse was attended with very considerable loss. He regretted again to remind the noble Earl the President of the Council of a circumstance which he had learned from one of the Indian newspapers—that immediately after the second repulse, our Commissioner offered a reward for the head of the Burmese officer who had defeated us. He regretted to have heard of the circumstance; but as he had heard no denial given to it, he must conclude that the statement was well founded. Now he (the Earl of Ellenborough) had never heard a reason stated why a Burmese alone should be exempted from the general rule which governed the practice of war. He also regretted to observe that nearly about the same period, at the desire expressed by some villagers in the neighbourhood of a hostile town, the English Commissioner had consented to burn the town, containing 3,000 houses, and thus to render destitute a vast number of the inhabitants. Such circumstances as these tended to barbarise war, and to create a feeling of animosity in the country, which was certain to last for ages, and to make it impracticable for us for a long period to tranquilly and properly govern the country. So serious was the last repulse that it was considered necessary by General Godwin to despatch Sir J. Cheape, with 800 men from Prome, for the purpose of dislodging, with the assistance of the naval force, the Burmese officer previously mentioned. It was expected that operation would last a few days; but when Sir John Cheape arrived within some twenty miles of the Burmese chief's position, he found that that position was so much stronger than he expected, and the force so much greater, that he was compelled to send to Rangoon for 500 additional men. He subsequently landed with these 1,300 men, and encountered very great obstacles. He had no tents, and sure every day to have a fog which lasted from two o'clock in the morning until nine o'clock, during which time it was next to impossible to work. They were afterwards compelled to work all day under the sun in cutting down jungle, exposed to the fire of the enemy, and, what was still more dangerous, to the fire of the sun. They succeeded in expelling the troops of the Burmese commander, but again with considerable loss, that loss being more attributable to sickness than to the fire of the enemy. By the last accounts it would appear that the Commissioner at Rangoon had despatched a steamer to Calcutta to bring instanter a reinforcement of Europeans to protect the communications with General Steele; and if the reports in the India newspapers were to be trusted, Martaban was at this moment garrisoned by the crew of one of the steamers, and he supposed that the naval force had been detached in order to assist the few troops which were sent to maintain the communication with Beling. At that place the persons who had surrendered at the first occupancy rose again in arms, so that communication with General Steele was altogether suspended. He (the Earl of Ellenborough) was not certain that there might not have been some degree of panic leading to the sudden despatch of that steamer and the demand of reinforcement, because no persons were more liable to panic than those who were most confident; and unless he was greatly mistaken, the Commissioner, who had been obliged to send on a sudden for a reinforcement of Europeans, was the very individual whom he always considered to be the principal author of this war. Such, then, was our position. We had a force at Prome that could not move; our communications were attacked both on the side of General Steele and the Irrawaddy. We had not sufficient troops to maintain our position in advance, and at the same time to protect our communications with the base of our operations. He (the Earl of Ellenborough) had always understood that to protect communication between the army in advance and the base of operation, and to have the means of moving in all directions that the exigencies of warfare required—these he always understood to be the A B C of war; and it really would appear as if those who had the conduct of the war in Ava had actually not yet learned the very first letters of their alphabet. He predicted from the first the danger that would arise from not providing our troops with the means of movement. He ventured to say it was impossible to beat an enemy and subdue an empire with troops that had no power of motion; and yet more, to attempt so great an operation with troops so deficient in numbers as not to be able to protect their communications. In fact, the Government and the army were in a false position, and until they got out of it, nothing could be well done. The positions taken up had been taken from political, not military, motives. It was decided to declare what was called the "annexation of Pegu;" and in order to afford a pretext or justification for that measure, it was necessary to appear to occupy that country; and hence the march of General Steele, and the attempt to accomplish more than our troops were equal to, the result being that we had brought ourselves into a position of imminent danger. The first thing to do was to beat an enemy; and if an army were placed in a position to effect that, all the difficulties were then overcome, and the desired political results followed. If, on the other hand, we should take a position not justified by military considerations, we should endanger our army, and leave ourselves no chance of succeeding in our political objects. He thought it was absolutely necessary for us to reconsider our position, which had been materially altered by circumstances which had recently occurred, and to determine altogether to relieve ourselves from the false position in which we were placed. There should be no false pride in that matter. It was much too serious a matter for the indulgence of false pride. Neither should any complaints made by commissioners or deputy commissioners, who, by an alteration of the plan, would lose their situations, be attended to. Nor should any complaints of speculators in timber, who desired to cut down the forests of Pegu, after having cut down the forests of Tenasserim, be attended to; and neither should any of those persons who, in the public press in India, had been hallooing on the Government to that most unfortunate war, be attended to. The Government should look seriously to their own position. They should abandon all illusions; they should look to stern realities, and prepare themselves for the difficulties they would have to encounter. He confessed he saw no safety whatever for us but in concentrating in Prome, Rangoon, and Moulmein, all the detached bodies which were scattered through the province of Pegu, and withdrawing altogether from the left bank of the river. That which it was desirable for us to find was a clear military obstacle between us and the enemy. We could not rest where we were, or where the Government of India had endeavoured to place us, because, in order to occupy the province of Pegu, we should occupy a false position—we should scatter our forces, and be continually in danger. We could not in time of peace occupy that position with security, even if the Burmese Government were prepared to surrender to us that territory, because, having no natural frontier whatever, but one which might be entered at any time, or at any point, by any body of men, we should be continually engaged in new collisions and new wars, and we could look forward to no other termination of our proceedings than the total destruction of the Burmese empire. He said, therefore, it was absolutely necessary for us to alter the plan, to withdraw altogether from the left bank of the Irrawaddy, except it might be necessary on that bank to retain Rangoon, and that narrow slip of land which adjoins the Irrawaddy, just before the commencement of the Delta, and extends nearly to Rangoon, and which it might be necessary for us to keep for the purpose of protecting the passage of our steamers on the river. It might also, perhaps, be desirable that we should retain the town of Prome as a sort of *tête de pont;* but we should generally retire altogether from the left bank of the river. Then it would be necessary to do that which the Duke of Wellington counselled as far back as the year 1829—namely, to make good roads between our own provinces and Arracan; and it would be necessary to make thoroughly passable at all times, and for all arms, the pass leading from Sandoway to Prome, and also the pass leading from Aeng to the Irrawaddy. From those passes there should be formed roads to every portion of the river, and all the military points of those roads should be protected by stockaded positions. We should then occupy every point between the mountains of Arracan and the river. To the left we should take a territory which we did not at present claim; and on the other hand we should give up the province of Pegu. We should then be placed in a position militarily strong, which we could hold against all the powers of the Court of Ava, and which, simply by our remaining there, would enable us to compel that Court to submit to any terms we might think proper to dictate; and if we should from that position determine on making a forward march to Ava, we could do so from a base so secure that we could carry on our operations with the greatest facility, and without incurring the slightest danger. He knew no other way in which we could obtain security than by adopting that modified plan. He must say that he thought the war had become one of a very serious character. He knew what had been the expense of the Chinese war. We had as many steamers employed in the present Burmese war as in the Chinese war. In the present war our steamers were constantly employed, and the expenditure of their coals and their wear and tear must be very great. The number of men engaged in the war was greater than the number which had succeeded in dictating peace in China; and he was fully satisfied that, whatever might be the representations which had been made upon the subject, when the accounts were all rendered it would be found that the expense of the present war could not by any possibility be less than from 1,000,000*l.* to 1,200,000*l.* a year. The cost of the last Burmese war, which had lasted for two years and a half, had been 12,000,000*l.* It was true that a larger force had then been employed; but it was also true that we should at present employ a larger force than that with which our operations had hitherto been conducted, for with that force it would be impossible to bring the war to a close. He had always regretted that the war had been undertaken. He admitted that there were colourable grounds for the war; and he should not be deterred from undertaking a war on merely colourable grounds, if he saw a clear, decided, great political advantage to be gained by this country. But he should say that in a case in which no possible advantage could be derived from war, and in which the greatest possible success could only lead to increased embarrassment and ultimate danger, he thought that every colourable pretext should have been seized for the purpose of avoiding a wår, and that, in fact, we ought never to have entered into it at all. That had always been his opinion upon the subject. He did not think that that war could be terminated—and until it should be terminated, India could not be placed in a position of security—unless her Majesty's Ministers determined on making a very large addition to the European force at the disposal of the Indian Government. There were at present employed in Ava not less than six European regiments. Now, that force could not be detached from India without impairing our strength in many most important positions. At the present moment, in order to supply the place of a European regiment at Fort William, of which regiment a portion had been removed to Moulmein, and of which the rest was to follow, it had been found necessary to order up from Dinapore a European regiment which had always been stationed there. That was not a position from which a European regiment ought ever to be removed. It watched almost the only portion of the Mahomedan population of India that was always desirable for us to look after. It was not safe to denude Dinapore of a European regiment. He was satisfied that the addition to the European force in India ought to be equal at least to the European force at present in Ava. He had touched on the change which had taken place in our position since the war had commenced, and he entreated Her Majesty's Ministers to take the subject into their serious consideration. That which in this country was called the Eastern question was not without an important bearing on India. It was quite impossible that events could take place in Turkey, threatening with dissolution that empire, or leading to its dismemberment, which would not to a very great extent affect the security of our position in India. We were a great Asiatic Power. We should view what was at present passing in Turkey, not merely as a European, but also as an Asiatic State; and he did feel satisfied that it was absolutely necessary for us to take timely precautions, and make timely provisions to be strong in India as everywhere else, and to be prepared at once to meet the difficulties and dangers which appeared to be impending over us. In conclusion, he had only to ask the noble Earl the President of the Council whether Her Majesty's Government were prepared to give papers explanatory of the present state of the war in Burmah, and of the negotiations entered into with the Burmese Government?

EARL GRANVILLE replied, that the Government were not at that moment in possession of any further papers respecting this subject. He assured the House that it was their earnest wish to give every information in their power on this grave and important question, and that, as soon as any additional papers were in their possession, they would lay them on the table. Under these circumstances he did not think it would be convenient to reply to the remarks which had just fallen from the noble Earl.

The EARL of ELLENBOROUGH said, that it might be convenient, in order to facilitate the arrival of intelligence from India, that the authorities at Rangoon and Ava should be directed, whenever an opportunity offered, to send duplicates of their despatches to Madras.

The EARL of ALBEMARLE rose to suggest to the Government that they should avail themselves of any opportunity that presented itself of relieving our Indian empire of the incumbrance which would follow from the annexation of this new territory. He did not mean to say there was no necessity for the annexation, but it was a most painful necessity if it existed, and one that must entail a serious pecuniary loss upon the country. There was no one of their Lordships now present who could ever hope to see the day when this annexed territory would pay its own expenses; the seaport was 500 miles distant from the nearest portion of our territory, and the frontier was open and wide, on any point of which an arrogant, barbarous, and implacable foe might bring his whole force, whenever it suited him to do so. What he would suggest was, that the province of Pegu should be converted into an independent State, under an independent sovereign, who might be chosen from amongst the Peguan chiefs. At the close of the last Burmese war, the Peguans did elect a chief to govern them, and under him they made a very respectable stand against their Burmese conquerors without our assistance or advice, which if they had had, it was very possible they would have achieved their independence. If one of their chiefs were now appointed as their head, and assistance were given in advice and by the presence of a small force, they would be able to maintain their position, and form a friendly Power between our territories and Burmah.

After a few words from Lord BEAUMONT, Earl GRANVILLE, and the Earl of ELLENBOROUGH, the subject dropped.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, June 6, 1853.

MINUTES.] NEW MEMBER SWORN. — For Plymouth, Roundell Palmer, Esq
PUBLIC BILLS.—1° Common Lodging Houses.
3° Income Tax; Consolidated Fund £4,000,000.

BURY ST. EDMUND'S ELECTION.

MR. WALPOLE appeared at the bar and reported that the Select Committee appointed to inquire into the return for Bury St. Edmund's, had determined that James Henry Porteus Oakes, Esq., had been duly elected a burgess to serve in the present Parliament for that Borough.

SLIGO (BOROUGH) ELECTION.

MR. DIVETT appeared at the bar and reported that the Select Committee appointed to try the return of Charles Townley, Esq., for the borough of Sligo, had agreed to the following Resolutions, namely :—

"That Charles Towneley, Esq., is not duly elected a Burgess to serve in this present Parliament for the Borough of Sligo.

"That the last Election for the said Borough is a void Election."

And the said Determinations were ordered to be entered in the Journals of this House.

House further informed, that the Committee had agreed to the following Resolutions :—

"That the said Charles Towneley was, by his agents, guilty of bribery and treating at the last Election for the Borough of Sligo.

"That Jeremiah Joyce O'Donovan, and Alderman of the Borough of Sligo, was bribed by Henry Stonor, by the promise of payment of 103*l*., being a portion of an outstanding Election account, to forbear giving his vote, which he had promised to Mr. Somers, and in consequence absented himself during the Election.

"That it was not proved that the acts of bribery and treating were committed with the knowledge and consent of the said Charles Towneley.

"That the influence of the Roman Catholic Priests was exercised in a manner inconsistent with their duty as ministers of religion, and destructive of freedom of choice on the part of the voters."

INCOME TAX BILL.

Order for Third Reading read.

The CHANCELLOR OF THE EXCHEQUER having moved the Third Reading of the Bill,

COLONEL HARCOURT said, that he wished to draw the attention of the right hon. Gentleman the Chancellor of the Exchequer to the very hard bearing of the tax upon the pilots belonging to the Isle of Wight and Portsmouth. The earnings of the crew of each pilot boat amounted to about 150*l*., which was shared in certain fixed proportions amongst the members of the crew; and yet, although their united incomes only amounted to the lowest sum upon which income tax was charged, each of these poor men was charged with the tax. This was an evident injustice, arising, he believed, from an error on the part of the collector, which a simple declaration on the part of the Chancellor of the Exchequer would prevent again occurring.

MR. HUME said, that all the anomalies in the collection of this tax which had been proved to exist before the Income Tax Committee were continued by this Bill. Retaining, however, all the objections which he had ever held to the tax in its present form, and believing still that no tax upon income could be a just one, and that a tax upon property only was the proper mode of raising the necessary revenue, he should not now offer any opposition to the Bill, because he saw that the Government were determined to pass it in its present form; and great as he thought its defects, he believed they were more than compensated by the advantages which would be derived from the other financial arrangements by which the reimposition of this tax was accompanied. The imposition of a tax on the descent of real property would, for instance, be so beneficial, that there was hardly any price he was not prepared to pay for it. He believed, however, that the country would not long bear the inequalities of the present income tax, but would insist that it should be levied in the only fair manner, as a tax upon property.

MR. HEYWORTH believed, that it would be both impolitic and unjust to levy our taxation on property alone, for in that case millions would escape taxation altogether. He believed that the income tax, even in its present form, was as just a tax as any that was paid. The only question was, whether it would be a lasting tax; for if it were, he believed it would be possible to make it as just as any tax could be.

MR. GROGAN said, that, by the 12th clause, the collector general of rates for the city of Dublin was to transmit to the Commissioners of Inland Revenue copies of the poor-rates " made by him for the relief of the destitute poor in the several electoral divisions, or parts thereof, in which he is by law authorised to make and declare such rates." Now, the fact was that the collector general for the city of Dublin did not make any rate; he only assessed it when made by the board of guardians; and the clerk of the board of guardians was, therefore, as in other parts of the country, the proper person to apply to for copies of the rates. He would also call the attention of the right hon. Gentleman to the amount of remuneration paid to those officers for performing that duty.

MR. KENNEDY said, that this measure had been maintained on these two distinct grounds: first, that England being liable to an income tax, Ireland should be so too; and, secondly, that the consolidated annuities having been remitted to Ireland, it was only fair she should pay the income tax as an equivalent. He denied, however, that either of these reasons was well founded. Up to the present time it had been a recognised principle that the taxation of Ireland, as compared to that of England, should be in the ratio of one to twelve. This was the first time that that principle had been deviated from; and before this was done, he thought the Chancellor of the Exchequer was bound to prove either that England had declined, or that Ireland had increased, in prosperity, or that all former Chancellors of the Exchequer were wrong. But he had not done any one of these three things, and he (Mr. Kennedy) could not therefore think that he was justified in imposing this tax on Ireland. It had been usual, when Ireland was agitated, to say, " Be peaceable, and you shall have justice." Agitation had now ceased, and what justice was extended to Ireland? Why, her taxation was increased, and the people were placed in a worse position than they were in before. The principle of England was always to divide Ireland when she wished to govern her; and this had not been forgotten in the present Session. He protested in the name of his constituents against the imposition upon them of so unjust and impolitic a tax.

COLONEL DUNNE said, that he had opposed this measure at every stage, and it was now useless to carry that opposition still further by dividing against the third reading. He should not, however, do his duty, if he did not protest against the injustice, and, as he thought, the illegality, of this measure, as far as regarded Ireland. There were three tests of the amount of the taxation to be imposed on Ireland according to the Treaty of Union. Now whether they took the test of the amount of the exports or imports, or of consumption of the people, it was clear that not only could they not, in accordance with that treaty, impose any new taxation on Ireland, but they were bound to diminish the present taxation. It had been admitted by Mr. Goulburn, that the proportion of the taxation of the empire which was fixed upon Ireland at the time of the Union was unjust; and yet the fact of her having failed for some time to pay it was now adduced by the Chancellor of the Exchequer to show that there was a debt due from her. He (Colonel Dunne), however, denied it. He hoped that Ireland would never lie down under the injustice that was now being done to her, but that she would in every constitutional manner protest against the imposition of this tax.

The CHANCELLOR OF THE EXCHEQUER said, that he gave the hon. and gallant Colonel full credit for the perfect consistency with which he had contended against this measure, for—as he thought—the advantage of Ireland. He (the Chancellor of the Exchequer) should not, however, then enter further into this subject, than to protest, once for all, against the assertion that the Budget was intended to impose, or did impose, additional taxation upon Ireland. This was a question of figures; and if hon. Gentlemen would set against the income tax and the spirit duties which were to be imposed upon Ireland the amount of the consolidated annuities which were to be remitted, together with the amount of the relief which Ireland was to receive from the reduction of the indirect taxation, they would find that she was a considerable gainer by the present Budget. ["Oh, oh!"] He must remind the hon. Gentleman from whom those peculiar sounds proceeded, that questions of figures could not be settled by arguments of that kind; they could not be settled either by exclamations or by something less articulate than exclamations, which he would not stop to characterise. His main object in rising was to answer two or three questions which had been put to him in the course of the short conversation which had taken place. The hon. and gallant Colonel the Member for the Isle of Wight (Colonel Harcourt) had stated the case of certain pilots who were associated together, and upon whose joint earnings, though they only amounted to 150*l.*, it appeared that the income tax was charged. He (the Chancellor of the Exchequer) apprehended that these parties supposed that they were liable to this tax solely in consequence of their want of acquaintance with the law. In all cases of partnership when the proceeds amounted to 150*l.*, there was a *primâ facie* case of liability to this tax; but he believed that it was in the power of the partnership to claim exemption upon their individual assessment, supposing that their several incomes from that and other sources did not amount to 150*l.* a year. With regard to what had fallen from the hon. Member for Dublin (Mr. Grogan) with respect to the amount of remuneration provided by this Bill for the clerks of unions for furnishing copies of the poor-rates, he (the Chancellor of the Exchequer) had reason to believe, from information received on the best authority from Dublin, that the remuneration provided was sufficient; but if it were found to be insufficient, it would be in the discretion of the Treasury to make a larger allowance. The case of the collector general of rates in Dublin would be met by the insertion of two words in the twelfth clause.

MR. MAGUIRE wished to remind the right hon. Gentleman, when he charged Irish Members with meeting figures by exclamations, that he had been specially challenged by the hon. Member for Portarlington (Colonel Dunne) to a contest of figures, and that he declined it. Not an Irish Member had come down to the House without figures, and not a single argument from the Treasury bench, or the independent benches opposite, had unsettled these figures. He wished to ask the right hon. Gentleman a question. He now abandoned all idea of opposition to the Bill; but he wished to be satisfied as to the occupiers of houses in towns. Were those who were told they were free from the tax yet to be harassed and annoyed on account of others who had to pay it? He wished an assurance that would satisfy the humbler classes in the towns.

The CHANCELLOR OF THE EXCHEQUER, after a little delay, and some exclamations from the Irish benches, rose and said, the hon. Gentleman asked him to give an assurance that would satisfy his constituents.

MR. MAGUIRE: Well, one that will satisfy me as a Member of this House.

The CHANCELLOR OF THE EXCHEQUER said, that he doubted whether any answer he could give would satisfy either. This was a question of administration and detail, and, as he had already stated, it was impossible to give an answer with respect to the point at which it was desirable to draw a line in reference to the person that was to be charged, whether the landlord, the occupier, or the immediate lessor. What the line would be he could not at present state, because there being no organisation of officers in Ireland for the collection of the tax, it would be very imprudent on his part to profess to give an answer with certainty.

Motion made, and Question put, "That the Bill be now read the Third Time."

The House *divided*:—Ayes 189; Noes 55: Majority 134.

List of the AYES.

A'Court, C. H. W.
Adair, H. E.
Adderley, C. B.
Alcock, T.
Aspinall, J. T. W.
Baines, rt. hon. M. T.
Ball, J.
Bell, J.
Benbow, J.
Biddulph, R. M.
Biggs, W.
Blackett, J. F. B.
Bouverie, hon. E. P.
Boyle, hon. Col.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Brown, W.
Browne, V. A.
Butler, C. S.
Butt, G. M.
Butt, I.
Byng, hon. G. H. C.
Campbell, Sir A. I.
Cardwell, rt. hon. E.
Caulfield, Col. J. M.
Cavendish, hon. G.
Chambers, T.
Charteris, hon. F.
Cheetham, J.
Cholmondeley, Lord H.
Christy, S.
Clay, Sir W.
Cobden, R.

Cockburn, Sir A. J. E.
Cocks, T. S.
Coffin, W.
Collier, R. P.
Craufurd, E. H. J.
Crook, J.
Crossley, F.
Denison, E.
Dent, J. D.
Dering, Sir E.
Divett, E.
Drummond, H.
Duncan, G.
Dundas, G.
Dunlop, A. M.
Egerton, E. C.
Ellice, rt. hon. E.
Elliot, hon. J. E.
Evans, W.
Evelyn, W. J.
Ewart, W.
Fergus, J.
Ferguson, Sir R.
Ferguson, J.
Fitzgerald, J. D.
Fitzroy, hon. H.
Foley, J. H. H.
Forster, C.
Fortescue, C.
Fox, W. J.
Freestun, Col.
Gallwey, Sir W. P.
Gaskell, J. M.
Gibson, rt. hon. T. M.
Gladstone, rt. hon. W.
Glyn, G. C.
Goderich, Visct.
Goodman, Sir G.
Goold, W.
Gordon, Adm.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Gregson, S.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Hadfield, G.
Hall, Sir B.
Hanmer, Sir J.
Harcourt, G. G.
Harcourt, Col.
Hastie, A.
Heard, J. I.
Heneage, G. H. W.
Herbert, H. A.
Herbert, rt. hon. S.
Hervey, Lord A.
Hindley, C.
Hogg, Sir J. W.
Hudson, G.
Hughes, W. B.
Hume, J.
Hutt, W.
Jermyn, Earl
Johnstone, Sir J.
Kendall, N.
Keogh, W.
Kershaw, J.
Kinnaird, hon. A. F.
Kirk, W.
Labouchere, rt. hon. H.
Laing, S.
Langton, H. G.
Laslett, W.
Layard, A. H.
Lee, W.
Legh, G. C.
Lewis, rt. hon. Sir T. F.
Lockhart, A. E.
Lowe, R.
Luce, T.
Mackie, J.
Mackinnon, W. A.
MacGregor, J.
M'Gregor, J.
M'Taggart, Sir J.
Marjoribanks, D. C.
Martin, J.
Masterman, J.
Matheson, A.
Matheson, Sir J.
Milligan, R.
Mills, T.
Moffatt, G.
Molesworth,rt.hn.SirW.
Monck, Visct.
Monsell, W.
Morris, D.
Mostyn, hon E. M. L.
Murphy, F. S.
Norreys, Lord
Norreys, Sir D. J.
O'Connell, M.
Oliveira, B.
Osborne, R.
Palmer, R.
Palmerston, Visct.
Pechell, Sir G. B.
Peel, Col.
Pellatt, A.
Phillimore, J. G.
Phinn, T.
Pilkington, J.
Price, Sir R.
Price, W. P.
Ricardo, O.
Rich, H.
Robartes, T. J. A.
Russell, Lord J.
Russell, F. C. H.
Russell, F. W.
Sadleir, J.
Sandars, G.
Sawle, C. B. G.
Scully, V.
Seymour, W. D.
Sheridan, R. B.
Smith, J. B.
Smith, M. T.
Smith, rt. hon. R. V.
Smollett, A.
Stanley, hon. W. O.
Strickland, Sir G.
Strutt, rt. hon. E.
Stuart, H.
Thicknesse, R. A.
Thompson, G.
Thornely, T.
Townshend, Capt.
Vane, Lord H.
Vernon, G. E. H.
Villiers, rt. hon. C. P.
Vivyan, Sir R. R.
Walcott, Adm.
West, F. R.
Whatman, J
Whitbread, S.
Wickham, H. W.
Wilkinson, W. A.
Williams, W.
Wilson, J.
Winnington, Sir T. E.
Wood, rt. hon. Sir C.
Wyndham, W.
Young, rt. hon. Sir J.

TELLERS.
Hayter, W. G.
Berkeley, C. G.

List of the NOES.

Archdall, Capt. M.
Bagge, W.
Bailey, C.
Baillie, H. J.
Bankes, rt. hon. G.
Bateson, T.
Bennet, P.
Beresford, rt. hon. W.
Blair, Col.
Blake, M. J.
Bland, L. H.
Booker, T. W.
Brady, J.
Brisco, M.
Clinton, Lord C. P.
Clive, R.
Coles, H. B.
Corbally, M. E.
Duffy, C. G.
Dunne, Col.
Esmonde, J.
Forster, Sir G.
Frewen, C. H.
Fuller, A. E.
George, J.
Greene, J.
Greville, Col. F.
Grogan, E.
Halsey, T. P.
Hawkins, W. W.
Hill, Lord A. E.
Hume, W. F.
Jolliffe, Sir W. G. H.
Keating, R.
Kelly, Sir F.
Kennedy, T.
Ker, D. S.
Kerrison, Sir E. C.
King, J. K.
Liddell, H. G.
Lucas, F.
Maguire, J. F.
Manners, Lord J.
Mitchell, W.
Montgomery, H. L.
O'Brien, P.
O'Brien, Sir T.
Potter, R.
Stanhope, J. B.
Sullivan, M.
Taylor, Col.
Thompson, Ald.
Vance, J.
Williams, T. P.
Wyndham, Gen.

TELLERS.
Verner, Sir W.
Brooke, Sir A.

Bill read 3°.

On Question that the Bill do pass,

SIR FITZROY KELLY then moved to add the clauses of which he had given notice. The hon. and learned Member said he would not at that advanced stage of the Bill occupy more than a very short time in making the observations which he felt it his duty to offer to the House; but he could assure the House that his proposal was not brought forward from party spirit, nor, indeed, was it in reality at all opposed to the general principle of the measure; and he appealed with full confidence to Gentlemen on both sides of the House for an impartial consideration of his proposal. He had fixed upon the limit of 300*l.* a year, because, however great might be the inequalities of the tax yet uncorrected, still it must be admitted that persons having an income of more than 300*l.* a year, although they might be perplexed to make their income meet their expenditure, would nevertheless be able, with ordinary economy, to secure all the necessaries, and even some of the comforts of existence; but going below that sum, and considering more especially that class of persons possessing incomes of from 100*l.* to 200*l.* a year, many of whom were to be found among the constituents of nearly every hon. Member in the House, they had, he considered, the highest possible reason to complain of the application of the tax to their incomes at all. The first class of persons upon whom the new system would fall with great severity was that of the poorer clergy and curates, who were in possession of incomes little greater than 100*l.* a year, and who, having hitherto been exempt, were now to have the tax extended to them; and this appeared to be still more hard when it was considered that these persons were compelled to maintain a certain position in society; and were also, in respect of that position, often called upon to extend charitable relief to others. Another class of persons who would suffer by this measure were the class of small tradesmen, and, although he did not now intend to recapitulate the arguments which he had on former occasions addressed to the House, still he could not help observing that it did appear to him unfair that the same tax should be levied upon incomes which were permanent, and subject to no deductions, and upon the incomes of those poorer tradesmen who were struggling to make both ends meet by their own industry, and who, with limited capital, were subject to bad debts. He hoped he would not appeal in vain on behalf of that class of persons to those hon. Gentlemen who had thought fit to support the Government in all the propositions of the Bill; and that he should receive support in his proposal, which tended, according to his judgment, to mitigate the severity with which the tax fell upon many persons who found extreme difficulty in contributing to the revenue at all. There was another class of persons who had suffered greatly from recent legislation—he meant the class of small farmers in the agricultural districts—and he might say that there were farmers residing at no very great distance from himself, whose incomes had been, on account of recent legislation, diminished one-half, and on such persons the extension of the income tax would fall very heavily. He would not unnecessarily detain the House; but he would repeat that, in his opinion, that class of persons possessing incomes no larger than from 100*l.* to 200*l.* a year ought not to be taxed upon the same scale as those possessing a larger competency. He had a precedent for the appeal he was now making, for it was well known that in the year 1806, when the income tax was raised from 6½ to 10 per cent, a distinction was made in favour of various classes of persons almost identical in form to the one which he was now proposing, inasmuch as at that time the tax was reduced in respect of certain classes, from 10 to 5 per cent. If, in the midst of the greatest and most expensive war in which this country was ever engaged, and at a time when the exigencies of the State were more urgent than they had ever since been; when, also, no Minister was able to point out how to raise a sufficient sum to meet the necessary expenditure—if at such a time a reduction such as he had mentioned had been made, he could see no reason why such a reduction should be denied now. After the many discussions the Bill had undergone, he would do no more at present than place his case before the House; and he believed that no one could reflect upon the application of the tax to the various classes of persons to whom he had alluded without perceiving its hardship; that no one could reflect upon the condition of those persons without feeling some sympathy for them, or without an inclination to support the measure which he was proposing. He would submit to the Government that the adoption of his proposal would not make any serious difference in the amount actually produced by the tax; and even that was of less consequence, inasmuch as he believed that the right hon. Gentleman the Chancellor of the Exchequer had, in the financial views which he had brought before the House, considerably underrated the income which would be derived from the sources of revenue to which he had referred. Considering, then, the small difference which would be made in the revenue of the country by acceding to his proposal, and the incalculable advantage which it would bestow upon the poorer classes of the community, he did hope that the right hon. Gentleman would take it into his favourable consideration, and would grant the remission which he ventured to recommend.

Clause (That nothing in this Act contained shall be held to make any larger sum than threepence-halfpenny in the pound payable upon any income whatever under two hundred pounds a year; or any larger sum than fivepence farthing in the pound upon any income under three hundred pounds a year),

Brought up, and read 1°.

The CHANCELLOR OF THE EXCHEQUER said, he was sorry that he could not accede to the request of his hon. and learned Friend to take this clause into his favourable consideration. His reasons for not doing so were obvious. All persons knew that one of the great dangers by which the income tax was beset, was the exemptions by which it was accompanied. The consideration on which exemptions had been formerly justified was, that there was a certain point in the progress down the scale of direct taxation beyond which it was not advisable to pass. The sums to be levied, for instance, might be so small that they would not pay the cost of collection, or if they were collected, the vexation attending it would be such that it would not be expedient to attempt it. When Mr. Pitt introduced the income tax, he proposed 60*l.* as the limit; and between that sum and 200*l.* he proposed a variety of graduations; he likewise introduced exemptions similar in nature to those proposed by the hon. and learned Gentleman, namely, in favour of married persons having a number of children, and others in favour of the clergy, and of officers, under certain circumstances. It was gradually found out to be unwise to continue these exemptions, and whatever might have been the particular privileges before enjoyed, it was thereafter determined to make one fixed exemption. Such was the Act of 1842. When the income tax was first framed it was on a very complex basis, and the lesson which experience had taught was, that it was wise to get rid of all graduations, and simplify distinctions as much as possible. His hon. and learned Friend, then, asked Parliament to go back to a system which experience pronounced to be bad, and to abolish a system which had worked well. His proposal involved a breach of principle, and, without his hon. and learned Friend at all intending it, it tended to communism. It was dangerous to property. If he were asked why he stopped at 150*l.* a year, his answer was, he did so because he found that margin recognised by law, and because he found a system already at work which embraced such a limitation; and he would impress upon the House, that in matters of this kind a very little experience was worth a great deal of abstract reasoning. If, however, he had to argue the question upon its abstract merits, he was willing to admit he might find it very difficult to prove that the limitation ought to be placed at 100*l.* a year. Still the proposition of the Government was so far intelligible, that it proposed the exemption of a class, that is, the labouring class, from the operation of the tax. That, at all events, was based upon the perfectly understandable ground that it was very difficult to get at such a class, for most of them in the populous districts were lodgers, not housekeepers, which would make it impossible to collect the tax with any degree of efficiency. The hon. and learned Gentleman, therefore, called upon the House to reverse the principle which experience had taught to be the best, and the principle of his Amendment was one which, if admitted, ought to have a much wider application; for he defied him to prove that the man with 400*l.* a year was always better able to bear the tax than the man only in receipt of 100*l.* a year. Considering the range of income in this country, if the hon. and learned Gentleman thus opened the door, the consequence would be that great numbers would be found rushing through it, and he therefore hoped the House would reject the Amendment.

Mr. SPOONER thought that the right hon. Gentleman opposite overlooked the fact he himself recognised—the principle of a graduated income tax, which was all that his hon. and learned Friend (Sir F. Kelly) was contending for. No one pretended to say that in many instances of persons possessed of an income of 400*l.* a year, the payment of income tax might not be found very oppressive. But what his hon. and learned Friend wanted to effect was, that the labouring classes should not be taxed. Now, surely his right hon. Friend the Chancellor of the Exchequer did not mean to contend that parties with but 100*l.* or 150*l.* were not often mere actual labourers. Why, what did the right hon. Gentleman mean to do with artisans who receive but two guineas a week? And when he talked about his only subjecting this class to a very trifling tax after all, the right hon. Gentleman was arguing the question upon a very narrow basis indeed. Some allusion had been made to the precedent afforded by Sir Robert Peel, and to the fault found with him for placing the limitation where he had. He (Mr. Spooner), however, had no recollection whatever of any such objection having been raised; but he distinctly remembered the protest entered more than once by his hon. Friend the Member for the University of Oxford (Sir R. H. Inglis) against the very great cruelty and injustice of making persons possessing incomes of only 150*l.* pay the tax upon the full amount of that income, rather than making it take effect only upon a certain proportion of that income.

Sir GEORGE GOODMAN was of opinion, from what he knew of them, that the agricultural constituencies were generally satisfied with the income-tax scheme of the Government, so far as it affected them; at all events the proposition of the hon. and learned Gentleman (Sir F. Kelly) was not likely to give them more relief than the scheme of the Government.

Mr. E. BALL said, that though the larger class of farmers throughout the country were at present in a thriving condition, the small farmers had not in any way shared their prosperity. He believed that the right hon. Gentleman had not dealt with the proposal of the hon. and learned Member for Suffolk (Sir F. Kelly), in a correct manner, by treating it as if it involved the non-payment of the tax at all by those in the receipt of but small incomes. It amounted to nothing of the kind. He called upon the House to accept the Amendment as a matter of justice to the small farmers.

Mr. LAING had great experience with respect to small farmers in Scotland, namely, men with rents of 10*l.* or 15*l.*, and up to 50*l.* a year. The prosperity of that class might be measured by the circulars of the Manchester cotton manufacturers, for the welfare of the two classes fluctuated together. He happened to have received that very morning a letter from a friend who had supposed that the recent commercial legislation would have been ruinous to the small farmers; but he now confessed that he had been agreeably disappointed, for they had never been so well off before. If any class had suffered at all, it was not the large nor the small, but the middling agriculturists—the position of whom had become analogous to that of the small manufacturers, who were unable to compete with men of more capital and intelligence. The principle of the proposed clause was really of a very revolutionary character. If it were admitted, they could not stop short of constituting every board of income-tax commissioners a court of equity to assess each man's tax according to his supposed ability to pay; and if they did that, confiscation must follow. These Amendments were grounded upon a mistaken estimate of the supposed unpopularity of the income tax with those who paid it under Schedule D. He believed that if those persons were offered the option of continuing the income tax, and of having an equivalent amount of indirect taxation restored, or even of having other direct taxes imposed in its stead, they would, in nine cases out of ten, prefer the first alternative. Take the hardest case that could be cited—that of the professional man, struggling into practice, who was obliged to make a certain appearance without actually earning anything. At present, as those men had no income, but were consuming their own capital, they were excused; but if they had to pay a heavy house tax, for instance, they would be made to contribute as much as if they were in the receipt of large earnings. He (Mr. Laing), believed that the income tax was really a very popular tax.

Mr. BANKES said, the result of his own observations induced him to differ from the remarks of the preceding speaker, so far as regarded the condition of a corresponding class of small farmers in England. Many of that class were at present unable to derive a profit from their trade, or to pursue any other trade; they were not willing to emigrate and so abandon their native land, though at the present moment they did not know how they were to live by farming. It was with a view to relieve that class that he would support the Motion of his hon. and learned Friend (Sir F. Kelly). He could not deny that farming, in many instances, was a prosperous trade at the present moment; but in connexion with that admission was the fact, that numbers of the class of small farmers were rapidly quitting the country, because they could not find a living in it.

Motion made, and Question put, "That the said Clause be now read a Second Time."

The House *divided* :—Ayes 31; Noes 144: Majority 113.

Sir FITZROY KELLY then moved to deduct 5 per cent from the amount of the tax paid upon all incomes under 400*l.* a year, in respect of each child of the party paying, born in wedlock, and under twenty-one years of age, and unmarried. He would say in a single sentence that he had founded that Amendment upon a principle which was already recognised by Parliament, and acted on by Mr. Pitt. But the real principle upon which he proceeded, was the principle that every man should be taxed according to his ability to pay.

Clause (That every person shall be entitled to a deduction or return of 5 per cent from the amount of any tax payable or paid, by virtue of this Act, upon any income whatever not exceeding 400*l.* a year, in respect of each and every child of such person born in wedlock, and unmarried, and under 21 years, when such Tax accrues due),

Brought up, and read 1°.

Motion made, and Question, "That the said Clause be now read a Second Time," put, and *negatived.*

Sir ARCHIBALD CAMPBELL said, his principal reason for bringing forward the clause of which he had given notice was, that the hon. and learned Member for Youghal (Mr. I. Butt) had given notice of moving a clause upon the third reading to a similar effect as this, relating to Ireland; and if that clause had been agreed to, the Scotch landowners would have had an unanswerable case to bring forward. He understood, however, that that clause had not yet been acceded to. He was not asking for an exemption in favour of Scotland which did not exist in England, but he only asked for the same boon to be extended to Scotland that was going to be, or had been, granted to Ireland. The case was one of comparison between the owners of land and of houses. In Scotland there were many rates or assessments which were paid by the landlord, who, consequently, received a larger rent, to enable him to defray those expenses in proportion to the value of the property of which he was the owner. In England the same taxes were paid by the occupier; therefore the money did not pass through the owner's hands, and did not come within the clutches of the income-tax collectors. There were three of these heads of rates: first, one-half of the poor-rates; secondly, the assessments for the repair of churches, parsonages, schools, and school-houses; and, thirdly, the expenses of prisons, of the prosecution of criminals, of the constabulary, of the building of bridges, and other things—all these were paid by the landlord in Scotland. In some counties, also, the highway rates were levied, partly from the owner and partly from the occupier. Altogether, the Scotch landlord paid about 6 per cent upon the rent more than the English landlord. He might put the case in another way, which would make it clearer to the House. The profit derived from landed property could be put under three heads: first, there was the rent, or the landlord's profit; secondly, there was the tenant's profit; and, thirdly, there was the sum devoted to the payment of these rates. In both countries the landlord and the tenant each paid the income tax upon his own share of the profit; but in England the money paid for these rates was paid directly to the collector without passing through the landlord's hands, and was not known to the income-tax collector—not taken cognisance of by him. In Scotland it was paid by the occupier to the owner, and in passing through his hands 7*d.* in the pound was deducted from it by the income-tax collector. The arguments which had been urged against this proposition were, first—although this argument had not been much relied on—that the rate of assessment under Schedule B in Scotland was different from that in England. The payment of these rates would, to a certain extent, give a tenant a claim for deduction; but this could not have been the ground on which the difference in the rate of assessment under Schedule B was made, because the greater portion of the farms in Scotland did not pay a large enough amount of rent to bring them within the income tax. Therefore, the rate of assessment under Schedule B could make no difference to them. The principal argument of the right hon. Gentleman the Chancellor of the Exchequer against this proposition was, that the system of repairs in Scotland was different from that in England. He had some difficulty in understanding the course which had been taken by the right hon. Gentleman with regard to this argument. Before the right hon. Gentleman had announced his financial scheme to the House, there had been a meeting held of thirty Scotch Members, at whose request the hon. Member for Dumbartonshire (Mr. A. Smollett) had written to the right hon. Gentleman respecting the inequality in the assessment. The right hon. Gentleman, in answer to that letter, repeated the argument of the difference in the system of repairs. His hon. Friend again wrote to the right hon. Gentleman, stating that, in his opinion, and that of thirty other Scotch Members, no such difference existed; and he (Sir A. Campbell) entirely agreed in that opinion. After such a denial of his argument, he thought the right hon. Gentleman owed them some statement of the reasons upon which he had formed his opinion. He had, as yet, given no reasons whatever. When the right hon. Gentleman was stating his objections to this plan, he had been met with cries of "No, no!" but he merely turned round to hon. Members and said, "I differ from you," but had given no reason for doing so. He believed the right hon. Gentleman had been examining the usual form of Scotch leases, in most of which there was a clause to the effect that the landlord was bound to put the premises in proper and tenantable repair, and the tenant was bound to keep them so during his lease; but this clause was added—"ordinary wear and tear excepted." The object and the practical effect of these clauses was merely, in case of any disagreement between the landlord and tenant, to prevent the tenant from injuring his landlord by unfair play to the premises. An hon. Friend near him had just told him that he had that morning received a letter from his steward, asking for the repair of a farm in the middle of a lease. His usual practice was, that, at the beginning of a lease for fifteen or eighteen years, the landlord expended one year's rent in putting the farm in proper order. The only other argument urged against the proposal was, that if they once interfered with the mode of assessment of the income tax, they would have so many different claims from various quarters, that the whole thing would be set wrong. He referred to the 16th clause of the Income Tax Act of 1842, to show that the present case was not without a precedent. It might be asked why the Scotch landlords did not make covenants with their tenants; but the fact was that they were precluded from doing so by the clause he had just mentioned. The question was mooted, in the year 1844, before Parliament, when it was negatived simply upon the understanding that the income tax should continue only for three years. Now, however, they were asked to pay it for seven years, and, therefore, he thought it was high time that this injustice to Scotland should be remedied. He believed he had put before the House the true state of the case—namely, that there was money which was not actually paid to the Scotch landlord for rent, but which passed through his hands to be paid over to the tax collector, and that a similar system did not exist in England. He had shown there was a precedent for the Motion before the House: firstly, in a clause in the English Income Tax Act; and, secondly, in the clause just about to be proposed, granting to Ireland that same justice which he now asked for Scotland.

Clause (In charging the duty under Schedule A of this Act, in respect of lands, tenements, hereditaments, and heritages, in Scotland, an allowance or deduction shall be made for the amount of all parochial and county rates, taxes, and assessments, which by law or custom are paid by the owner thereof),

Brought up, and read 1°.

The CHANCELLOR OF THE EXCHEQUER said, the hon. Gentleman, in proposing this clause to the House, founded it partly upon the general argument, and partly upon the special ground of the exception made to Ireland. As far as regarded the general argument, they had discussed it on a former occasion, when he opposed a clause much more limited than this, and it was rejected by a large majority, on the ground that it was impossible to concede it without unsettling the general structure of the income tax. The hon. Gentleman had said nothing to show that that argument was not applicable to this clause, and on that ground he was compelled again to oppose it. It was not the mere question whether the Scotch landlord paid 6 or 7 per cent, which was not paid by the English landlord. The income tax as it stood was a system of compensations, and if they were not to re-enact it until its inequalities were removed, he could not lay upon the hon. Gentleman a more difficult task than to remove them. He thought the hon. Gentleman would rise from such a task a sadder and a wiser man. The hon. Gentleman had little conception of the structure of the tax, when he talked of removing all inequalities. If the Scotch landlord were worse off than the English landlord with respect to rates, there was still another question to settle, whether he was worse off on the whole. If this claim were conceded to the landlord, what would they say to the householder? The Scotch landlord paid 5 per cent on repairs, including all he laid out when he renewed his leases. The householder in England, if not in Scotland, had to spend from 15 to 20 per cent for repairs. If they made a deduction of 15 or 20 per cent under Schedule A, or if the hon. Gentleman succeeded with this Motion, there would be a host of the most formidable claims under Schedules D and E, which were now in abeyance. This was a small corner of a great question. It was whether they should have the income tax in its present shape, full, he granted, of inequalities, but which in a considerable degree compensated one another, or whether they should enter on a task, perfectly hopeless to perform, of endeavouring to remove those inequalities. That was all he should say on the general question. But the hon. Gentleman had referred to a special case, and thought because a concession was about to be made to-night to Irish landlords, the same concession ought to be made to Scotland. Now, he begged to assure the hon. Gentleman that no concession was about to be made to the Irish landlords. From the first introduction of the present Bill, it was founded upon a basis which did exempt, and was intended to exempt, Irish landlords from the payment of income tax on poor-rate. As the Bill was first introduced, the income tax in Ireland was to be assessed on the poor-law valuation, and the poor-law valuation in Ireland was framed on a principle which actually excluded the poor-rate from the calculation; and therefore, from the first, the Government bound themselves to the Irish landlords that they should not be assessed with the poor-rate. Perhaps it might be said, "Why did you do so?" He could not answer on the abstract question. His answer was, on the whole case, as a measure of policy and prudence, as a measure applied to Ireland for the first time, and as a measure for which there were not the same facilities of correction in Ireland as there were in England. Rental and real rent were not the same in Ireland as in England and Scotland, and the Government had made the Irish landlords liable to the income tax instead of the occupiers. It might be said that was an insignificant matter. In England or Scotland it might signify very little whether they went against the landlord or the occupier. He was not sure that it would signify very little even in England and Scotland, but it signified a great deal in Ireland. If they attempted to push too far the argument with regard to inequality, it would end only in aggravating inequality and injustice. But that was not so much the point. The point which he wished to dwell on was this: that with regard to the proceedings of the Government, there was no change in principle; that the Bill was founded from the first on the basis of assessment in Ireland upon the poor-law valuation, and the poor-law valuation entirely excluded the poor-rate. The clause proposed by the hon. and learned Member for Youghal (Mr. I. Butt) was simply intended to apply the principle, already recognised, to particular and exceptional cases where the valuation included the poor-rate. So much with regard to the particular case of Ireland. With regard to the general case of England and Scotland, he should allow it to stand as it stood the other night, when the House decided by a large majority against the alteration.

Mr. CUMMING BRUCE said, the right hon. Gentleman who said that no one could attempt to remove the inequalities of the income tax without rising from the task a sadder and a wiser man, showed himself every time he spoke a more unjust man. They assessed the proprietors of land in Scotland on incomes which they never received; they compelled them to act as unpaid collectors of taxes, and then charged them on the amount they collected. The injustice was monstrous; but it did not at all shock the right hon. Gentleman. His hon. Friend had understated the case. In one parish where he had property, on the occasion of building a new church, the demands in the shape of legal and positive burdens absorbed the whole of his rent for one year. The next year the clergyman's house had to be repaired and the garden put in order, and he had to pay between 200*l.* and 300*l.* The following year there was a new school-house to be built; so that in three years he did not get a third of the amount of rent on which he had to pay income tax. If the right hon. Gentleman had not lost all feeling, he would appeal to his sense of justice upon this question. The distinction which the right hon. Gentleman had endeavoured to draw between Ireland and Scotland was a mere shuffling of the cards—a mere delusion—a mere sophistry, in which, as a master of that kind of argument, he delighted sometimes to indulge. The Scotch were a tax-enduring, long-suffering, and uncomplaining people; but it was a little too much to deny them all justice, and if he stood alone he would divide the House upon the clause.

Mr. SMOLLETT thought that as the Chancellor of the Exchequer had intimated his intention to allow the poor-rate to be deducted from the Irish proprietors, they were justified in taking the sense of the House again upon this question. The right hon. Gentleman had given some ingenious reasons why this boon should be bestowed on Ireland, and not on Scotland. Perhaps there were other reasons. Ireland was disloyal and turbulent; Scotland was orderly, loyal, and submissive to the law. The Irish Members opposed the Government in every possible way; the Scotch Members, or a great majority of them, had supported the Government in passing this income tax. For these services the people of Scotland were to have the injustice and inequality continued for the remaining seven years, which had been so ably pointed out by preceding speakers. He trusted the hon. Member would divide the House, and he should certainly vote with him.

Mr. DUNLOP said, it was his intention to give a vote directly in the teeth of a vote which he gave the other night. When the Chancellor of the Exchequer then stated that Government would act upon the broad and general principle of not attempting to equalise the income tax, letting a little too much justice on one side go against a little injustice on the other, he said that he did not desire that an exception should be made in the case of Scotch landlords, though they were unjustly treated. But the right hon. Gentleman had departed from that general principle of allowing no deduction for rates in any case, and now allowed it in the case of Ireland, and refused it in the case of Scotland, the reduction in England being already effected by the way in which the rates were laid upon the occupier. His Irish friends would say, "Look at your conduct and look at ours. You supported the Chancellor of the Exchequer against us and against everybody through thick and thin, and now he comes at last to a reduction of rates, and he takes it off us and keeps it on you." He did not like to be exposed to that taunt. He thought the right hon. Gentleman ought to have some consideration for them, and he should certainly endeavour to obtain that consideration by voting with the hon. Member opposite.

Mr. KINNAIRD would, for the same reasons as the hon. Member for Greenock, record a different vote to-night from that on a former occasion.

Mr. I. BUTT was bound in justice and fairness to confirm the statement of the right hon. Gentleman, that the Government had not departed from the principle of the Bill with regard to Ireland. The Amendment he proposed did go beyond that principle, and the right hon. Gentleman steadily and determinedly resisted it. The clause he now proposed was simply for the purpose of placing exceptional cases upon the same footing as the general assessment under the poor-law valuation. He was very unwilling to give the slightest support to the Government; but as an honest man he was bound to state that they were merely carrying out the principle on which the Bill was originally framed, by assenting to the clause, and they had steadily resisted an alteration which he had pressed upon them.

Captain SCOBELL said, as he understood the Government were about to concede something to Ireland which had not been conceded to Scotland, he should certainly feel it his duty to vote in favour of this Amendment.

Mr. WILKINSON did not understand that anything was to be given to Ireland which was not to be given to Scotland, and he must appeal to the forbearance of the Scotch Members, to their loyalty, to make allowance for the difficulties in adjusting the different claims in a way which was confessedly unjust and unequal. As Scotchmen had proved to be the best agriculturists in consequence of the difficulties of their climate and similar causes, so he hoped that the taxation to which they were subjected would be equally good for them.

Sir JOHN YOUNG said, there was no disposition on the part of the Government to favour one party more than another. The only reason why they took the poor-law valuation as the ground of their assessment was, that in Ireland there were so many different interests, that it would be impossible to levy the tax upon any other principle.

Motion made, and Question put, "That the said Clause be now read a Second Time."

The House *divided:*—Ayes 54; Noes 98: Majority 44.

The CHANCELLOR of the EXCHEQUER then brought up clauses allowing the poor-rate to be deducted from the assessment in Ireland, which were *agreed to.*

The CHANCELLOR of the EXCHEQUER said, he had another Amendment to propose. The House would remember that he proposed to provide that the receipts for insurance in certain insurance companies should be accepted as deductions from a man's assessment on the income tax. Now, his hon. Friend the Secretary to the Treasury was engaged in presiding over a Committee who were engaged in examining into the state of insurance and joint-stock companies. As the new tax could not demanded before the 10th of October next, he proposed to take advantage of the remaining part of the Session to introduce a Bill determining some fixed and simple provisions which would be required to be complied with by all companies before their receipts for the payment of premiums would be received as exempting their holders to that amount from the income tax. In this way no preference would be shown to one company over another, and he would therefore strike out the description of these companies in the 43rd clause, and insert in lieu of it, "any insurance company which shall be registered according to any Act of Parliament that may be passed this Session."

MR. COWAN said, he was a Member of the Committee referred to, and the right hon. Gentleman would be aware that a difficulty had arisen with respect to the word "registered"—whether it meant provisional or complete registration. The right hon. Gentleman was probably aware that many of the older companies were unwilling to be registered under the Act of 1844, and to get over that difficulty he would propose the insertion of the words, "or any company established prior to the passing of the last-mentioned Act."

MR. APSLEY PELLATT supported the view of the hon. Member for Edinburgh, as he knew one company in the receipt of a quarter of a million per annum which was not registered at all, and who would not avail themselves of the clause referred to by the right hon. the Chancellor of the Exchequer. He thought the more open the matter was left the better.

MR. J. WILSON said, that was precisely the object of the clause, which, as it stood, would leave the matter altogether open.

MR. SPOONER said, if the matter remained open, it would be quite right; but it appeared to him that the Bill to be afterwards passed would confine the privilege to those companies who were registered according to its provisions.

The CHANCELLOR OF THE EXCHEQUER: They must submit to some registration.

Amendment *agreed to.*

CAPTAIN ARCHDALL said, he wished to know whether any provision would be made for the repayment of advances made by the Lowther's Town Union in Ireland under the Temporary Relief Act, and the repayment of which had been promised by the Government to the union?

The CHANCELLOR OF THE EXCHEQUER said, he had communicated with the Poor Law Commissioners on the subject, but they disclaimed any such assurance as that referred to by the hon. and gallant Member. If, however, the board of guardians of the union would state the names of the persons who had given the assurance, he (the Chancellor of the Exchequer) would be in a position to state whether the Government was or was not responsible for the repayment.

Bill *passed.*

GOVERNMENT OF INDIA—ADJOURNED DEBATE.

Order read, for resuming adjourned Debate on Question [3rd June], "That leave be given to bring in a Bill to provide for the Government of India."

Question again proposed.

Debate *resumed.*

MR. J. G. PHILLIMORE said, it was with no ordinary anxiety and solicitude that he approached the consideration of this question, and he should have refrained altogether from addressing the House on it, had he not been influenced by the desire to contribute whatever faculties he possessed to what he believed to be the cause of truth and justice and sound policy, and to deliver his opinion on a subject which all would agree was intimately connected with the interests of the country, and on the proper solution of which depended the happiness of a large portion of our fellow-subjects. Differing as he did very much from some of the propositions advanced by the right hon. Gentleman the President of the Board of Control the other night, there was one part upon which he was ready to concur with him. He quite agreed that, however theoretically absurd and anomalous the frame of the Indian Government might be supposed to be, still, if it had contributed to the happiness and welfare of the subjects of that part of Her Majesty's dominions, it ought not to be abolished or altered. But if he could succeed in showing that it had failed in those sacred duties which it undertook to fulfil, and if that failure could be shown to be owing not to accident but to causes to which the attention of the Legislature had been repeatedly solicited by its greatest and wisest statesmen—causes, the effect of which was predicted by Mr. Fox, Mr. Burke, and Lord Grenville, and others equally competent—then, he said, they had an argument of practice as well as a deduction of reason against the continuation of a system which general reasoning as well as repeated experience had conspired unanimously to reprobate. He would immediately meet the right hon. Gentleman on the issue he proposed—the practical advantage conferred by the existing system of Government on the Natives of India. Let them see whether the arguments used when the Charter was last under their notice, and the most eloquent advocate of which was the right hon. Gentleman the Member for Edinburgh (Mr. Macaulay), did not furnish the strongest reason for its rejection. The right hon. Gentleman, when the Bill of 1833 was introduced, insisted on the necessity of employing Natives, and on the paramount necessity, as he called it, of a code for India. He said—

> "There is one part of the Bill upon which, after what has recently passed elsewhere, I feel myself irresistibly impelled to say a few words. I allude to that wise, that benevolent, that noble clause which enacts that no Native of our Indian empire shall, by reason of his colour, his descent, or his religion, be incapable of holding office."—[3 *Hansard*, xix. 534.]

What had been the practice of the East India Company? Why, from that time to this not a single Native had obtained an office to which he was not eligible before. What became, then, of this noble clause? The next point was the necessity of a code. On that point the right hon. Member for Edinburgh had declared that no country ever stood so much in need of a code, and that in no country could the want be more easily supplied; and he described the law as a mere matter of chance, the Judge making it, under an absolute Government, and a lax morality among the officials, without a bar or public opinion to control him, so that it became a curse instead of a blessing. What was the commentary on this text? Why, one of the most active and able civil servants in India had told them that, up to the year 1853, nothing whatever had been done. Mr. Cameron had declared that he had sent remonstrances, appeals, and recommendations, but that the answer had been a sneering recommendation that he should take Westminster Hall as his model. That was at the very time that these strongholds of chicanery were being reformed; and yet the Court of Directors ventured to recommend them as a model for the legal institutions to be applied to India. Mr. Cameron had further declared that none of the amelioration plans which he had suggested had ever been taken into consideration. These were the efforts of the Government of India to remove evils which their own advocate had described as a scandal and a curse not to be endured, and which might have been remedied with very little trouble. This was the system which had been suffered to remain. How had it been allowed to operate? On this point he must say, he had listened with great surprise and mortification to the speech of the right hon. Gentleman (Sir C. Wood). The right hon. Gentleman stated, that though it was true that anomalies and abuses existed in the law of India, yet that if our own laws were inquired into, similar defects would be discovered; and he added, that he made that statement on the authority of an English Judge. He did not know from whom that information had proceeded, nor was he an admirer of English law; but the person who had made it had certainly uttered the grossest calumny. Evils, no doubt, existed; but they were of a totally different character. [The hon. and learned Gentleman quoted extracts from the evidence given before the Committee now sitting by Mr. M'Leod and Mr. H. Mackenzie, both of whom declared that, under the present operation of the law in India, there was neither protection for the person nor for property; that, according to the degree in which it had been enforced, the people had suffered; that the authorities complained of the people, and *vice versâ;* and that the consequences were a vast system of lying and litigation.] It might, perhaps, be said, that that was not the state of things lately; but as no remedy had been applied, the grievances must continue. He wished to lay before the House a true picture of the state of things in India in this respect, in order that the House might judge of the value of the right hon. Gentleman's allusion to the state of the law in England; and the House would see at once that, if the comparison held good, the whole country would at once be in a flame of indignation, and Parliament would be compelled to petition the Crown to remove Judges who should have acted as some of the Indian judges had done. If he wanted anything to convince him that the judgment of the right hon. Gentleman had been clouded, and his good nature biased, that part of his speech would furnish him with abundant evidence. He would read to the House Mr. Lewin's evidence on this point, which must be admitted to be either a tissue of malignant falsehoods, or facts. Mr. Lewin stated—

> "There are men now on the bench at Madras who are not only unfit for the office which they hold, but who have been guilty of acts which would render them unfit to be intrusted with the life of a flea almost, instead of the life of a human being as they now are. There is now a man holding the office of sessions judge who returned a trial to the Sudder Adawlut when I was Judge. The facts came before myself, and therefore I

know them perfectly. The letter occupied one side and a half of a foolscap sheet of paper: he recommended one man to be hanged; another man to be transported; and a third he recommended should be set free, because there was not a "westage" of evidence against him, the word being spelt in that way. After some discussion in the Sudder, we called upon him to forward the original document; the original document was found in the handwriting of a native attached to his court, and in that document there was the very same mistake, the word being so spelt, "westage," clearly proving that he had not even seen the document on which he had recommended a man to be hanged. There is a case referred to at the end of Mr. Norton's book in which I was concerned. In that case two judges of the Sudder had been passed over for several years as incompetent. At the time that the office of circuit judge was changed to that of sessions judge, those men were circuit judges, and they were allowed as sessions judges to retain the salary of circuit judges, being old judges. The Government of the day wished to effect the saving of the difference of salary, and therefore those two men were put in; they were obviously unfit, but yet they had the adjudication of this case. Though I had nothing to do with the matter, I heard that several men were going to be hanged, and, mistrusting the judgment of those men, I looked into the proceedings. I found that the men on whose evidence they were going to hang four people, were the very people who had committed the murder. This led to a request on my part that the *ex officio* chief judge, a member of Council, should be called on to give his opinion on the case, which he did, and he agreed with me. It then became necessary to appoint a fifth judge, and the chief secretary was appointed. He also agreed with me, and the men's lives were saved."

He held in his hand a book, the statements in which were not dependent on the authority of the writer, but which were all taken from authentic reports presented to the House. It was a pamphlet on the administration of justice in India, circulated in England at the instance of the Bombay Association, who declared that the remarks of the author applied equally to the Presidency of Bombay; and he begged leave to quote a few more cases from it, in order to show what their fellow subjects on the other side of the globe were actually suffering under this system. [The hon. and learned Gentleman read another series of extracts from Mr. Norton's pamphlet, exhibiting the manifold defects of the system. They referred chiefly to the errors arising from the documents being drawn up in a language not current in India, which was said to lead to a tissue of errors; to the number of times individual cases were tried, some as often as six, seven, and eight times; to the passing of judgment without the defence of the accused having been heard; to the youth and incompetency of the judges, who had to administer justice in a country with the customs and language of which they were but very imperfectly acquainted; and, finally, to the scandalously improper observations which judges were in the habit of interpolating in their judgments.] He would not, he said, weary the House by making many more extracts; the evidence he had quoted already would be sufficient to show how great was the evil and suffering inflicted upon the people of India by the operation of the civil law. But the case of the administration of the criminal law was still more frightful. Mr. Norton, in his pamphlet, said—

> "It is impossible to peruse the records of the most serions criminal cases without being struck by the total absence of a proper tone of mind on the part of the criminal judge. We find conclusions arrived at altogether unsupported by the evidence, questions omitted in most important points, and judgment given upon conclusions not suggested by the premises, and frequently announced in a most reprehensible manner."

There was a case, too, of a man who was accused of bribery; the charge being that he had received a bribe from some nabob or other. The judge received the accounts of the nabob's wife's servant, but refused to call the nabob himself, or to order his accounts to be produced, though they were tendered for the accused, and he was condemned to a lengthened imprisonment. He had another case to mention which was still more fearful. It was one of murder, in which the accused was tried, found guilty, sentenced to death and executed, when his innocence would have been apparent to the judge who pronounced the sentence if he had only examined the witnesses himself, and had not arrived in Court too late for the purpose. This was but an outline of the state of the administration of the law in India; but it was certainly enough to prove the statement of the right hon. Gentleman—that there was a resemblance in the administration of the law in India to the administration of the law in this country—to have been made without consideration or inquiry into the documentary evidence. Our administration admitted nothing of the kind he had mentioned. No cases such as those he had referred to could be found in our reports. They might, perhaps, be found in the orations of Cicero, where he described the administration of justice in Sicily under Verres. It was not a question of convenience or of comfort, but one of positive existence to the people of India. The great object of society, its main principle, was the administration of justice.

Mr. Hume had told them that the organisation of Governments was for the purpose of taking care that justice should be properly administered. He challenged denial to the fact, that the one great obstacle to the efficient and proper settlement of India was the fear and terror of the natives for the British courts. There was no loss or hardship to which a respectable native would not submit rather than expose himself to the accidents of a law court, because he regarded his appearance there as a preliminary to his ruin, and as the certain badge of discredit. They could not retain their power in India much longer with such an administration of justice as that he had described. He had the evidence of an intelligent native of Calcutta, who declared that much of this state of things was caused by the incompetency of the judges, their ignorance of the language, and their being intrusted with charges too extensive to permit thorough investigation into the cases coming before them, and that the consequences were general perjury, false testimony, and bribery. Why, the payments to the European officials had been raised in order to place them beyond the necessity of corruption; but the native was paid in such a manner that it was almost impossible for him to get a living without having recourse to bribery. There was one remedy which the Government of India had positively refused to apply. It was the employment of natives. All the evidence he had been able to find was in favour of that step, and the only excuse which was made was one which, to his mind, was an impious libel upon Providence. He could find no other terms fitly to characterise the assertion that the natives of India were in no way fit to hold office in their native land. On this point he would quote the evidence of one of the most distinguished civil servants of India, and who was by no means an enemy to the East India Company. Sir George Clerk said, in his evidence before the Committee of this House—

> "I should say that the morality among the higher classes of the Hindoos was of a high standard, and among the middling and lower classes remarkably so; there is less of immorality, and less of extreme poverty, than you would see in many countries in Europe. In all their domestic relations, and their charity to their neighbours, they are superior to what you will find in many countries; it is not so much so, perhaps, with the Mahomedans, but still I should say that there is no striking degree of immorality among them.
>
> "Is it your opinion that confidence might be placed in the natives for the performance of the duties of many higher offices than they are now employed in in those districts?—Certainly, if allowed salaries sufficient to place them on a respectable footing.
>
> "You mean that if their allowances were such as to maintain them in the relative station in which they ought to be as compared with Europeans, confidence might be placed in their honest and straightforward conduct?—Certainly, for official business of most kinds.
>
> "Does your experience enable you to say, that where a sufficient salary was allowed, and due confidence placed in them, you have found the natives fit for any duties connected with the Government of the country?—I have felt the want of the power of giving those rewards which the natives prize more highly than a salary in hard coin. Such rewards are essential, perhaps, to command their devoted service, including loyalty. You cannot now expect that. They disregard, comparatively speaking, money salaries, though these of course are not unacceptable, and render them quite efficient as official men.
>
> "Will you state what those rewards are to which you refer, which you think they prize above money?—Those rewards which the native Governments of India would confer upon them for good service; a village, for instance, in perpetuity, rent free, or a small portion of land, from one acre to one thousand."

That was not the evidence of Mr. Norton or Mr. Mill, but of an old and distinguished servant of the East India Company; and the advice he tendered had been given to them over and over again by Sir T. Munro, Mr. Strachey, Sir J. Malcolm, and others, and had as often been disregarded. That was indeed the oppression which made the heart sick—these were the cases in which the iron entered the soul. If a Hindoo were permitted to come here and plead his own case, and to answer the sweeping charges of indiscriminate corruption and rapacity made against his countrymen, was the House quite sure that they would not be reminded of the origin of our Empire in the East, or whether he might not remind his stern moralists of the name of Omichund, and of the cases at Baroda in Bombay, or whether he might not ask them if they had ever read the report which was made studiously unintelligible, and how it came to pass that all the energies of Government were exercised on behalf of a cruel and a corrupt official? Might he not ask whether in modern European history there were not instances in which admiration and allegiance had followed perfidy and violence—perfidy as deep, and violence as great, as any that they read of in the annals of Oriental story? Were they quite confident he could allege no instances where money had gilded over serious imputations—where rank and station, genius and education, had bowed down and worshipped successful speculation, without any very searching inquiry into the cause to which the success of the speculator was to be ascribed? Were they quite sure that even with regard to the employment of the Committee during the last three months, they would be able to give a satisfactory reply to the questions of their interrogator? The right hon. the President of the Board of Control, curiously enough, in his search for the golden age of India, instead of going to the days of Acbar, went to the period which immediately preceded our own dominion in India, when the Peninsula was most convulsed, for a picture of native government. It would be about as wise if he had gone to the days of Attila for an account of the Augustan era. If a Hindoo were to apply the same arguments to us, might he not turn to the 18th century, and, misled by the councils of the men who had invariably slandered those whose dominions they had attempted to confiscate, ask if we had ever heard of the days of the Regent Orleans, of Louis XV., of Catherine of Russia, of the incestuous Court of Dresden, of the atrocious bigotry of the father of Frederick the Great, and of the days when men were kidnapped from one end of Europe to the other to fill the armies; of their cruel punishments if they fled; or (coming to later times) of the sack of Warsaw, of the partition of Poland, of the crimes which occasioned and the horrors which attended the first French revolution? And, if another Genghis Khan or Tamerlane were to sweep over Europe, what would they think if he assigned these events as reasons for not allowing the Natives to hold any offices in their own country? The right hon. Gentleman passed over the land question lightly enough, and contented himself with saying there were different customs in the different provinces, with which it would not do to interfere. He would tell the right hon. Gentleman what the first and universal custom was—that the East India Company had assumed the right of the proprietors of the land, and invariably neglected to perform their duties. He would like to know what the right hon. Gentleman would say of a conqueror who, supported by a large army, "relieved the burdens of the people" by taking all the rent of the land, and then proceeded to impose on them most oppressive taxes? The Zemindary settlement of Bengal in 1793 was adopted in ignorance of native tenures, and was a lamentable mistake and a complete failure, though the work of a most excellent and well-intentioned man. Such had been the effect of that Zemindary system, that there did not exist more than one family at the present day of those with whom the original compact had been made; all the rest had been ruined. That was the account given by the historian Mill. As a contrast to the description given by the right hon. Gentleman of the former condition of Bengal, he would read a passage from the work of an able writer, Holywell, who declared that "under the native rule property and liberty were safe—robberies unheard of, whether public or private—and that travellers were escorted on their journeys from place to place by guards who were responsible for their security." That once happy country at this moment was one dead level of uniform misery, in which all were involved alike;—the producers, cultivators, and consumers of the richest country in the world, had, under the government of those whom the House was now asked to invest with renewed powers, sunk to a dead level of the greatest wretchedness and there was not one single opulent proprietor to be met with in the whole district. In Madras, where the ryotwar system was adopted, and where one European collector had to settle the bargain with 300,000 cotter tenants, the consequence and result were, that there did not exist on the face of the civilised world more complete degradation than that of the ryots under the collectors in Madras; and yet the Directors, in spite of the earnest remonstrances of Elphinstone, proceeded to transfer this system to Bombay, where the misery it produced was so appalling they were obliged to retrace their steps and reverse it. The strongest condemnation of the system lay in the fact that they had adopted a different method in the northwest provinces, the administration of which was so highly praised by all who had witnessed it. Such was the working of the administration by the Directors; and the House might judge of it by the single fact that in Bengal one-tenth of the land was set up for sale to pay off those arrears. It was impossible to contend that such a state of things could be founded upon good policy, justice, or equity;—and the House would recollect these were circumstances for which the Company were entirely responsible, as they had taken the management into their own hands. The conduct of the Government of India with respect to public works had been equally disastrous in its effects, and not less than 250,000 persons had perished miserably from famine in consequence of neglect in this matter. Yet it had been stated by a most eminent civil servant of the Company, "that he was certain, if the Company had spent but 500,000*l.* on public works, the revenue would have been increased, and the country would have presented a complete contrast to its present condition." Another source of well-grounded complaint was, that, contrary to the principles so ably advocated by the right hon. Member for Edinburgh, none of the Hindoos were allowed to hold office, even as high as that of an ordinary common judge. The consequence of this conduct was that the ties which connected India with this country were precisely the reverse of those to which Burke had so forcibly referred, when, arguing for American independence, he said our hold on the Colonies lay in their natural affection, their kindred blood, and sympathies. *Nil separatum clausumve* was the argument of the Roman for submission. With us, everything was *separatum clausumve.* In India all these were directly against us. There was an extraordinary perverseness about the proposal of the right hon. Baronet with respect to the disposal of the patronage. Both Pitt and Grenville considered that the patronage ought to be vested in the East India Company, but that the political direction of India should be transferred from the Company, and placed under the complete control of the public councils. The grounds, however, upon which those statesmen came to that opinion had now passed away. The commerce of the Company had gone, and the right hon. Baronet, after taking away the patronage, the only necessary part of the evil, allowed the evil itself to remain. He proposed to keep up what had been justly called a "sham Government," with irresponsible power, with all its opportunities of clandestine management, and this, too, after having taken away the only justification which any statesman could urge for its retention. The right hon. Baronet said that the government of India was "an anomaly," and that our Indian empire was also an anomaly; so, because the empire was anomalous, its government must be anomalous too. Such a mere play upon words, applied to statesmanlike principles, he confessed he had never heard. The idea had not even the merit of novelty; for the right hon. Baronet must hand you back to Dr. Johnson's famous aphorism, "Who drives fat oxen must himself be fat." But so far from the anomalous state of India calling for a government of a similar character, the very existence of the anomaly was sufficient to induce the Legislature to consider and devise the best form of government for the country. When, however, it appeared that the favourite Governor and chosen organ of the Company were intimating a desire for a continuance of that power which had proved so lucrative to their friends, and which had been the cause of such unspeakable misery to mankind—when they found that, in spite of the enormous wealth wrung from the incessant toil of the ill-requited Hindoo, the Government was advancing deeper and deeper into hopeless debt, and rapidly arriving at the goal of bankruptcy—when, in spite of an empire larger than that of Charlemagne, they were engaged in irritating powerful neighbours on most trivial questions—when, after having opppressed Oude, seized Sattara, threatened the Nizam, and depopulated whole districts, they with infatuation which the most shortsighted ambition could hardly explain, had interfered in matters as sacred as custom, as national pride, plighted faith, ay, as religion itself could make them, thereby lacerating, where they were most sensitive, the loves, feelings, and affections of a large portion of their subjects, and especially of the feelings of that army upon which the salvation of their empire must depend—when they were doing all these things, were disregarding every rule which the wisest statesmen had laid down to guide their conduct—when "justice" was but another word for delay and for folly—when "protection" was but another word for servitude and oppression—when the terror of falling under the power of the Company was considered, from one end to the other of the East, as the greatest of all possible calamities—was it, or was it not, time for Parliament to interfere? Ought not Parliament at once to declare that such a state of things should not be allowed to continue? Was it to be endured that such enormous power should be left in the hands of those who had exercised it in the manner he had attempted to describe? If these things were so, he appealed to the right hon. Gentleman and the noble Lord to abandon their ill-considered Bill, and entreated them not to provoke that certain retribution which, sooner or later, would overtake injustice. The noble Lord had rendered great services to his country; but such a Bill as this went far to cancel them. Never was so magnificent an opportunity so miserably flung away. If the right hon. Baronet still persevered in his infatuated course, he (Mr. Phillimore) would call upon every hon. Member who loved righteousness and hated oppression, who venerated those paramount and immutable laws which were written in the heart of every man—be his colour, his clime, or his creed what it might—by the unerring hand of our Creator, for the sake of this country, for the sake of India, and for the sake of Europe and of the world, to prevent those consequences which, sooner or later, must inevitably follow a measure so pernicious and deplorable, so unworthy of a great nation, and displaying such consummate ignorance of the science of government.

SIR J. W. HOGG solicited that kind indulgence which the House accorded to those who did not obtrude themselves on its attention, but who rose in discharge of a public duty, and for the purpose of self-defence. He should not have taken any part in the debate on the Motion for the introduction of this Bill, if the ordinary course had been pursued, and the Bill had been permitted to have been introduced, taking the discussion, as is usual, on the second reading. But that course had not been adopted. The hon. Member for Manchester, who followed his right hon. Friend (Sir C. Wood), not only argued against the introduction of any measure at all at the present time, and against what he termed the system of double government, which it was the object of this Bill to maintain, but preferred a frightful bill of indictment against all who had been hitherto concerned in the government of India; and it was because he felt himself called upon, to the best of his ability, to endeavour to refute these charges, that he craved the indulgence of the House. It appeared that there was to be something like a division of labour among the opponents to this measure. The hon. Member for Manchester had preferred the indictment with his usual vehemence and ability, while the different counts were to be distributed among the Gentlemen who surrounded him; and it appeared that the Gentleman who had just resumed his seat had undertaken the department of law and declamation. Upon this subject great agitation—he might say great clamour—had prevailed out of doors, and he was glad that such agitation and clamour had prevailed; he was glad that associations had been formed, that every charge, public or private, which could be raked up against the East India Company had been raked up, and had been sedulously circulated in speeches and by pamphlets. He rejoiced that this course had been pursued, because the House and the public now knew that everything which industry—he would not say malignity—could ascertain or invent, had been put forth against the Company. They had it all, true or untrue; there was no doubt of that. All this had been circulated, but hitherto there had been no opportunity of reply. That opportunity, he was happy to say, was now afforded, and in the only place in which those who had been thus assailed could reply to these charges and calumnies. His right hon. Friend (Sir C. Wood) had, in the first place, adverted to the question of time, and had urged strong and cogent reasons to show the necessity for immediate legislation on this subject. This was the opinion expressed by every witness examined before the Committee; it was the opinion given by all those most competent to judge; it was the opinion of Lord Dalhousie. The hon. Member for Manchester did not attempt to answer this mass of authority, but repudiated it all, and ventured to say that he did not consider Lord Dalhousie a better authority upon this question than persons who had never been in India. He (Sir J. W. Hogg) did not believe that there was another Member in the House who would rise in his place and make such a statement. He wanted to know why the hon. Member for Manchester asked for delay? It was true he had said that a Committee was now sitting, and an inquiry now pending. Well, that at first sight might appear to be a reasonable ground for delay; but those who heard the hon. Member would know, that throughout the whole of his speech, from the beginning to the end, he had not adverted to one tittle of evidence that fell from one single witness, nor referred to a single document produced before the Committee. His speech consisted of shreds and patches, of bits and scraps, from old pamphlets and magazines, and of extracts from the evidence of a few witnesses examined, not before the Committee now sitting, but before a Committee which sat four years ago, and over which the hon. Member himself presided as Chairman; of fragments from old Reports, most of them anterior to 1833. [Mr. BRIGHT: No, no!] Yes, and one of them of the date of 1792, when our responsibility as the governing Power had scarcely commenced, and when the war with Tippoo was raging. These were the authorities and these the documents on which the hon. Member relied. There was, however, one witness examined before the Committee to whom the hon. Member did refer, Mr. Marshman; he spoke of his great ability and extensive knowledge of India, and he spoke most truly. But when the hon. Member wished to avail himself of the testimony of Mr. Marshman, did he read his evidence before the Committee? Not a bit of it. When he wished to quote the authority of Mr. Marshman he read from the *Friend of India*, although Mr. Marshman was in this country. He adopts Mr. Marshman as an Editor when it suits his purpose, and repudiates him as a witness giving his evidence under that solemnity of feeling which must impress the mind of any Gentleman appearing before a Committee of this House. When the hon. Member came to speak of the state of Bengal, did he read the evidence of Mr. Marshman on that subject before the Committee? No such thing. He read from the *Friend of India* the report of a row between two Indigo planters, and then told the House to conclude that such was the usual state of the Province of Bengal. He would ask the hon. Member for Manchester what he would say if any Gentleman in Calcutta were to tell the good people there, that in this England, of which we so much boasted, there was no security for life or property, and in confirmation of that statement were to read two or three police reports from the columns of the daily papers? What estimate would the hon. Member form of any person who adopted such a course? He (Sir J. W. Hogg) thought few hon. Members could have listened to the speech of his right hon. Friend, on Friday, without going away well content with the present state of India, and its prospects for the future. A more able, clear, temperate, and candid statement he had never heard. The hon. Member for Manchester, however, had been pleased to sneer at that speech, and to say that it was equally remarkable for its length and its deficiency in matter. He even indulged in speculation as to the manner in which the right hon. Baronet had got up his speech, and said that no doubt the right hon. Baronet had sent to Mr. Melville, the distinguished Secretary at the India House, for information. In his (Sir J. W. Hogg's) opinion that was the highest compliment the hon. Member could have paid his right hon. Friend. His right hon. Friend having only recently assumed his office, sends for the public documents relating to India, and applies for information to the Gentleman who has charge of them, and who of all living men is the most competent to afford it. He only wished that the hon. Member for Manchester had adopted the same course, and had applied to sources equally authentic, as by so doing he would have escaped many of those errors and blunders which, in the course of the evening, he (Sir J. W. Hogg) would take the liberty of exposing. As the hon. Gentleman had indulged in a speculation as to how his right hon. Friend had got up his speech, he would hazard a guess as to how the hon. Member had got up his.

He (Sir J. W. Hogg) believed that any one of the rather numerous knot that surrounded the hon. Member, whenever he read anything in any book, or received any letter from any person containing anything abusive of the East India Company, immediately up with the scissors, cut it out, and sent it to the hon. Member, who strung them all together, and (to use a favourite expression of his own) thus formed the hocus-pocus of his speech. Hon. Members always talked as if India had been a sealed book during the last twenty years. Was that correct? Not a single enactment had been framed by the local Government of India that was not immediately laid on the table of this House. Not a rupee had been received or expended during the last twenty years that had not been accounted for, and the details laid before Parliament as regularly as is done with regard to the finances of this country. Had there been no inquiries regarding India? There had not been a transaction of moment in India the papers respecting which had not been laid before the House, and there had been debates upon almost every one of them. There had been Committees upon salt, upon the duties levied on Indian products, upon cotton, upon steam communication, and almost every subject connected with India; and if the House wished to know the extent of the aggregate of the information since 1833, he begged to inform them that the accounts, reports, and papers relating to India filled 53 folio volumes. And yet they were told that India had been a sealed book. All he could say was, that if a competent knowledge of Indian affairs had not been obtained, the fault was not the want of adequate materials, but of the requisite industry and application on the part of those who failed to avail themselves of the information within their reach. Before proceeding further, he would again advert for a moment to the question of time. Influenced solely by his strong regard for India, and notwithstanding many expressions which must have escaped in the heat of debate from the hon. and learned Gentleman who spoke last, he was sure the House would give credit to him, and to those with whom he was associated, that where such mighty interests were at stake, they were incapable of being influenced by personal considerations. Influenced solely by his strong regard for India, he conscientiously declared his conviction that immediate legislation was peremptorily required. He entertained this belief quite irrespective of what that future legislation might be. If the present system had worked well—if it had conduced to the prosperity and happiness of the people of India, and had added to the honour and glory of this country—continue it. If they had discovered defects in its constitution or working, remedy them. If it has failed in the discharge of its all-important duties, and in accomplishing the great object for which it was framed, then away with the system and with the instruments, and form another and a better government: but do something, and do it now. Do not hang up India to agitation for another year, the course so strongly and so eloquently denounced by the noble Lord (Lord J. Russell) at the commencement of this Session. Do not spread doubt and mistrust through the length and breadth of that mighty empire whose destinies Providence has committed to your rule, and where confidence and security now happily prevailed. Do not paralyse the power and influence of the local Government, and render it incompetent to do good or to restrain ill. He should be sorry to excite any undue alarm, or to intimate any apprehension that delay would endanger our hold on our Indian empire; but he solemnly declared his conviction, that it would tend to disturb the tranquillity of the country, to suspend all measures of useful progress, and to lessen, if not destroy, the almost superstitious impression as to our power; that it would induce doubts and vague surmises as to the future, and would force into mischievous activity the most dangerous elements that could agitate that country. Whatever, therefore, their legislation might be, he earnestly hoped that it would be prompt and immediate.

The hon. Member for Manchester had said, and said truly, that the main question at issue in this debate was the system of double government. He entirely concurred with him in that observation; and it was because he attached the greatest importance to that system that he was prepared to vote for the introduction of the Bill, but should at present abstain from going into the details of the proposed measure. The hon. Member for Manchester had pointed out, with his usual force and ability, the objections which occurred to his mind to the system of double government. He urged that it was anomalous; that it occasioned delay and obstruction; that there was no responsibility; and, using his favourite expression, declared that the whole system was a mere sham. Such was not the opinion which had been expressed by those who were best acquainted with the practical working of the system. [MR. BRIGHT: Look to Lieutenant Kaye's book.] He (Sir J. W. Hogg) was glad—he was more than glad, he was thankful to the hon. Member for that interruption; and, had it not been for that interruption, the matter might have escaped his recollection, and he might have omitted to expose what he should call great want of candour on the part of the hon. Member, if he did not believe that the hon. Gentleman had been furnished with his scraps of quotations, and had not himself read the books from which they were taken. What would the House say when he (Sir J. W. Hogg) told them that this quotation from Mr. Kaye, which the hon. Member brought forward with such ostentation, had no reference whatever to the system of government in this country, but referred to the system of local government which prevailed in Calcutta in 1772. Mr. Kaye, after eloquently pourtraying the evils that arose from the system of government then prevailing at Calcutta, concludes with the passages read by the hon. Member as applicable to the present system of double government here, whereas they referred exclusively to the Government at Calcutta in 1792—

MR. BRIGHT: The hon. Member had misrepresented what he had said altogether. He had stated that Mr. Kaye, in the passage he had quoted, referred to the system of government which prevailed in Bengal in 1772. Afterwards, however, in the next quotation, when the author alluded to what was stated by Mr. Tucker, he was referring to the present Court of Directors and the Board of Control. He had made the distinction to which the hon. Gentleman referred, and had said that Mr. Kaye had expressed just the views with regard to the double government which existed seventy years ago, as he (Mr. Bright) expressed with regard to the system of double government now.

Sir J. W. HOGG: He (Sir J. W. Hogg) would leave the House to judge of the explanation afforded by the hon. Member. So strongly did the quotation from Mr. Kaye's book strike him, conversant as he was with that book, and knowing that Mr. Kaye entertained opinions directly opposed to those in support of which his authority had been cited, that he had referred to the passages which preceded the extract read by the hon. Member. In page 78, Mr. Kaye says, "But although in 1765, the revenues of those provinces became our own, motives of policy, natural but shortsighted, impelled Clive to leave the actual administration in the hands of the old native functionaries, to be carried on in the name of the Soubadhar." It was Clive's policy to maintain the name if not the authority of the Soubadhar, and that policy was founded on an apprehension of giving offence to foreign Powers. This led to great confusion, and to flagrant oppression among the natives, which Mr. Kaye eloquently denounces; but his denunciation of that system ought not to have been brought forward in this House as any authority for an attack upon the present system of government at home, and still less, ought it to have been brought forward from a work, the whole tenor of which is in favour of the existing system. But the hon. Member said he had coupled the quotation from Mr. Kaye's book with the minute of Mr. Tucker. Now, he (Sir J. W. Hogg) had exactly the same complaint to make of the unfair use attempted to be made of the respected name and high authority of his friend the late Mr. Tucker, whose minute, from which an extract had been read by the hon. Member, had no reference whatever to the system of double government. Mr. Tucker was one of the staunchest advocates of double government, and so far from having expressed any opinion opposed to that system, his desire was to extend it further, and apply it to the proceedings of the Secret Committee, where the President of the Board prepared the despatches without concert with the other Members of the Committee. The minute referred exclusively to the Secret Committee. Mr. Tucker stated that the orders emanated solely from the Board, and he protested strongly against the indignity of being compelled to sign despatches in the preparation of which he had no part, and of the purport of which he might possibly disapprove. He then adds in his own strong and nervous style, that for the discharge of such duties "a secretary or a seal" would do as well. He repeated that neither the minute nor the occasion on which it was recorded, had any reference whatever to the system of double government, in reprobation of which it had been quoted. It had been alleged that the Court of Directors was a mere sham, and had neither power nor authority. Now he (Sir J. W. Hogg), standing there, stated boldly and broadly that under the existing system the practical government of India rested with the East India Company—and he would give his reasons why. Every measure originated, and by law must originate, with the Court of Directors. The President of the Board might desire the Court of Directors to consider any particular subject; but he could not direct the mode in which it should be treated, or the opinion that should be expressed. He would state the course of proceeding. The Court was divided into three Committees. Every subject was first considered by the Chairman and Deputy Chairman, who gave instructions for the preparation of the despatch. It was then submitted to the Committee who had cognisance of the subject, and some of whom were probably conversant with the details, and the locality of the measure. After passing through the Committee, it was then submitted to the consideration of the whole Court. It was quite true that the despatch, after having undergone all this investigation and discussion, might be altered by the President of the Board; but the Court could require him to assign in writing his reasons for the alteration; and in this free country, where public opinion had such influence, was not this restraint sufficient to prevent the exercise of caprice, and to restrain the President from making any alteration which he could not support before the House and the public? Such was the system, and he would ask how it had worked? Had it, as had been alleged, occasioned collision and obstruction? It appeared from the evidence of Mr. Melville, that of all the despatches which passed the Court of Directors, not five per cent were touched by the President of the Board. He admitted that when the draft despatches were first sent to the President in what was termed P. C., or previous communication, the alterations were more frequent. Of these, less than one half were altered; and Mr. Melville states that the alterations made were generally verbal, and did not affect the substance or principle of the despatch, so that practically the legislative, judicial, and revenue administration of India rested with the Court of Directors. He specified these heads in order to show the distinction between the general administration and the duties performed by the Secret Committee, which consisted of the Chairman, Deputy Chairman, and senior member of the Court. This Committee was bound by law to sign and transmit to India despatches prepared by the President of the Board; and he (Sir J. W. Hogg) saw nothing humiliating or derogatory in that obligation. The duties of the Secret Committee were limited to questions of war and peace, and treaties with foreign princes; and those were subjects which ought to be exclusively under the orders of Her Majesty's Ministers. Without such authority, how could they be responsible for the security and peace of every part of Her Majesty's dominions? The wisdom of Parliament saw that it would be unfit to commit to a body of twenty-four gentlemen, matters in which secrecy and despatch were essential to the public interests; and the machinery of the Secret Committee was therefore provided, that these, like all other orders, might issue in the name of the governing body. Upon this point he always differed from his friend the late Mr. Tucker, who was strongly of opinion that the members of the Secret Committee ought to have the power of discussing the orders issued by the President of the Board, and of remonstrating, if they did not approve of them. He (Sir J. W. Hogg) took a different view of the subject, and he thought that the power ought to rest exclusively with Her Majesty's Ministers, who were responsible to their Sovereign and the country for the security of the empire. He thought that if you were to have a little Cabinet sitting at Leadenhall Street, discussing and recording minutes against the policy of Her Majesty's Government, their proceedings might be a source of serious embarrassment to Her Majesty's Ministers sitting in Downing Street, and might prove very injurious to the public interests. It had been stated here and elsewhere that the maintenance of the East India Company, as a governing authority, would have been abandoned long since, had it not been for the difficulty of providing for the distribution of the patronage. He denied that the system had been maintained for any purpose comparatively so subordinate. He contended that the great and paramount object for which the system of double government was adopted, and had been maintained, and would, he believed, continue to be maintained, was to protect India from the baneful influence of party spirit and party strife. He believed that the existing system was not merely the best, but was the only means of accomplishing that great object. God knew imputations enough had been cast upon the Court of Directors; but he would ask, had it ever been even alleged that in any one instance the Court of Directors had been influenced by political feelings or party considerations? He might advert to a recent instance—the recall of Lord Ellenborough. That measure was carried by the unanimous voice of the Court, although nineteen or twenty of the Directors were friends and supporters of Sir Robert Peel, whose Government could not fail to be weakened by the recall. Still they did not allow themselves to be influenced by such considerations, but acted under what they considered an imperious sense of duty. His right hon. Friend (Sir C. Wood), when discussing the subject of double government, had referred to the noble Lord (Lord Ellenborough) as a high authority against the continuance of the present system. It was true that the noble Lord had been pleased to speak of the Court of Directors collectively, and of its members individually, in no very complimentary terms. He had alleged that the Court was a mere legal fiction; that it had neither power nor authority, and that, with three or four exceptions, they were unfit for the discharge of their duties. He had no desire to retaliate on the noble Lord (Lord Ellenborough), or to indulge in any personal remarks when such important public interests were at stake. He knew that the noble Lord possessed vast knowledge of Indian affairs, and was a man of great talent and ability; and he would only express his regret that the noble Lord in his speeches, and in his evidence, should have permitted himself to evince such a spirit of hostility to the East India Company and the Court of Directors, and thus to betray the feelings under which he spoke. The House had heard the opinions and evidence of the recalled Governor General; but he (Sir J. W. Hogg) would ask them to listen to the opinions of the same noble Lord, when presiding over the Indian department in this country, and before he was Governor General. He (Sir J. W. Hogg) could have no doubt that upon both occasions the noble Lord had expressed his opinions with a view solely to the public interests; but the sentiments were as widely different as the circumstances under which they were expressed. Whatever opinions Lord Ellenborough might express now, it appeared that in July, 1833, he was impressed with the necessity of keeping up the character and independence of the Court of Directors, and of taking care that it should not be composed entirely of Indians. He then said in the House of Lords:—

> " As to the constitution of the Home Government, can any man doubt that when the Company is no longer a trading body, and when so large a portion of its patronage is taken from it which is connected with its trade, that a very different class of persons will become proprietors of India stock ? There will be a material deterioration of the constituency, and that must, at no distant period, lead to a material alteration in the character of the representative body of the proprietors —the Directors themselves. I am by no means desirous of seeing any diminution whatever effected in the real influence of the Court of Directors ; for of this I am satisfied, that it is essential to the safe and useful working of the Government of India that they should be persons of high moral character, as well as of property—whose independence and impartiality should be unimpeachable; that they should be able to deliver their free and unbiassed opinions upon all occasions—and that their uniform conduct should afford the strongest guarantee that they would ever consult the public interest."

And again the noble Lord said—

> " What I apprehend is this, that the constituent body will, in the course of time, to a great degree, become composed of persons connected with India, and the result of that will be, that the Court of Directors will, in time, also be similarly composed. I look to that as being a great calamity. I am by no means desirous that India should be wholly governed by retired Indians, or that all the prejudices, all the partialities, and all the interested feelings which may have grown up with them in the course of a long residence in that country, should be carried into the councils of the Court of Directors, and there predominate. On the contrary, one great advantage of the practical working of the system hitherto has been this—that the Court of Directors, while partially composed of persons connected with India, has yet had the means of having within itself merchants of the first eminence; persons connected with the trade of the City of London, and others who have been influential members of various classes of society. What has been the effect ? The beneficial distribution of their patronage; not distributed solely among the sons of Indians—not to those who, from their very childhood, have acquired all the prejudices of native Indians by a constant residence in that country—but their patronage has embraced every class of society. There is not a class of the community which has not its representative in India; and in so searching among those middle classes from which they have derived so many useful and great men, they have produced the greatest benefit not only to this country, but to India itself."

There was an eulogy upon the Court of Directors for the manner in which they had dispensed their patronage, and an answer to the sneer of the hon. Member for Manchester, who had talked of the Directors consisting of bankers, brewers, and people of that kind. He (Sir J. W. Hogg) should certainly have thought that the last man in that House likely to sneer at bankers and brewers would have been the hon. Member for Manchester. It had been alleged that the patronage had been abused by the Directors. In reply to that charge he would refer to the statement of the noble Lord, who stated that the patronage had been generally diffused, and that no class of society had been shut out from it. He would not, however, rest satisfied with this defence. Attempts had been made to prove before the Committee that deserving officers were unable to procure appointments for their sons in the Company's service. Such allegations were contained in a pamphlet published by Captain MacGregor, and were also made by that gentleman in his evidence before the Committee. He (Sir J. W. Hogg) was prepared to repudiate and deny these statements; and in doing so he would not imitate the example of the hon. Member for Manchester, who had quoted documents which it was not easy to find, but would refer to the evidence and papers before the House. The particular cases mentioned by Captain MacGregor were inquired into, and it appeared that almost every individual named had obtained one or more appointments for his sons. The most distinguished men in the India army were called, and they all bore testimony to the liberal share of the patronage that was given to officers in the service. He would refer to a return laid before the Committee of the number of cadetships given to the sons of civil and military officers of the East India Company from 1834 to 1851, from which it appeared that very nearly one third of the patronage had been so given; and he was sure that any Members of the Committee who were present would confirm his statement, when he said, that every case brought forward in which attempts had been made to show that deserving officers had been unable to procure appointments, had been satisfactorily answered. So much with regard to the military patronage. He would now refer to the civil, and it had been alleged here, and in another place, that the civil patronage went almost exclusively to the sons and relatives of Directors—that thirty pools had to be filled before any overflowing could find its way to the public. Now, what were the facts? From January, 1834, to January, 1852, 688 persons had been nominated to the East India College, with a view to their appointment to the civil service in India. Of these nominations, 47 had been given to the sons and grandsons of Directors, 53 to their nephews, and 59 to cousins and connexions by marriage, making altogether 159 appointments given to those related to, or connected with, the 30 Directors. 260 of the nominations were given to sons of civil and military servants; and the remainder, 269, were distributed among persons unconnected with India or the service. He appealed to every Member present whether the return he had just read did not show how grossly unfounded were the imputations to which he had alluded. The hon. Member who had last spoken had alluded to the enormous emoluments of the civil servants of the Company—a subject which had frequently been referred to in that House. He held in his hand a statement showing the allowances of civil servants, from which it appeared that the average emoluments of those of five years' standing and under, were 476*l.* yearly; of those above five years' and not exceeding 10, 910*l.*; of those above 10 and not exceeding 15, 1,535*l.*; of those above 15 years, not including governors or members of Council, 2,845*l.* Considering the education of these public servants—the risks of life and health to which they were exposed—the expenses to which they were subjected—their protracted absence from their native country—and the ability and integrity with which they discharged their important duties—he would say that their allowances were inferior to those received by gentlemen in corresponding situations at home.

The main and important point, however, as the hon. Member for Manchester had said, was, what had been the results? They might praise the constitution of the Government of India, and of the Home Government, as much as they liked; but if it had not worked well, he admitted they had not a leg to stand upon. He contended that the system had worked well, and to this test he was ready to submit. He would abstain from minute details, which were only calculated to bewilder, and would solicit the attention of the House to the general results, which he would endeavour to lay before them clearly and concisely.

Since 1833 we had had an accession of territory in India extending over an area of 167,013 square miles, and including a population of 8,572,630. In 1834 the gross revenue of India was 18,699,677*l.* In 1851 the gross revenue was 27,625,360*l.*, showing an increase of nearly 9,000,000*l.* The first question was, how much of this increase arose from new territory? The revenue derived from new territory was not more than 2,000,000*l.*; so that they had yet to account for an increase of 7,000,000*l.* It would probably be supposed that with an accession of 7,000,000*l.* to their former revenue, new taxes had been imposed; but that was not the case. On the contrary, since 1833, many taxes had been entirely abolished, and others had been greatly reduced. The export duty had been removed from cotton, sugar, coffee, and other articles; the transit duties, amounting to a large sum, had been abolished; and the salt tax had been reduced 25 per cent; so that while there had been this great increase of revenue, there had been a simultaneous decrease of taxation. He hoped that he might apply to India the same principles of political economy and common sense that were held applicable to the rest of the habitable globe, and claim from the House and the country an acknowledgment that India had prospered under the rule of the East India Company. He would now show the House how the additional revenue of 7,000,000*l.* was derived. They were told that land was going out of cultivation, and running to jungle. That might serve the purpose of declamation, but let them look to the facts. In 1833-34 the land revenue from Bengal, the North-west Provinces, and Madras, was 9,145,412*l.*; while in 1850-51 the same revenue was 12,075,479*l.*, showing an increase of revenue from the same territory of 2,960,067*l.* During the same period the increase of revenue from opium was 2,305,601*l.*; the increase from salt was 85,378*l.*; and the increase from customs was 206,428*l.*, making altogether 5,557,474*l.* There was an increase derived from other sources of 1,442,526*l.*, which made up the 7,000,000*l.* of increased revenue.

In the face of such an increase in the revenue of India, was it not, he would ask, astounding to hear Gentlemen declaiming about the misery, the destitution, and the poverty of that country? But perhaps it might be alleged that this increase was artificial, and was no true indication of the state of the people; and that they had languished, while the finances had flourished. Let them, then, refer to the returns on the table of the House, and see whether the people had consumed more, and had produced more. Let them look to the imports and exports during the period to which he had referred. In 1834-5, the value of the imports into India was 6,154,129*l.* In 1849-50, it was 13,696,696*l.* In 1834-5, the value of the exports from India was 8,188,161*l.* In 1849-50, it was 18,283,543*l.* He called upon hon. Members to point to any part of the world where, within the same period, there had been such an increase in the imports and exports. And yet this was the languishing, misruled, misgoverned country. Had this great progress resulted from the efforts of India itself, aided by the Indian authorities, or had it been promoted by the House of Commons? He would tell them that the House of Commons had not aided the progress of India. That, year after year, the Court of Directors, and that calumniated body the Court of Proprietors, had petitioned the House to do justice to India by abolishing the heavy discriminating duties imposed and maintained for the purpose of excluding the produce and manufactures of India from fair competition. They had represented that while the manufactures of this country were admitted into India at 5 and 7 per cent, the manufactures of India were not admitted here under duties varying from 20 to 60 per cent. But their representations and petitions were disregarded; and was he to be told by the House of Commons, whose unjust legislation had retarded the prosperity and progress of India, that the country had not advanced with the rapidity which might have been expected? See how India did advance, when at length they had rendered her tardy justice, and removed the restrictions that impeded her progress. In the year before the equalisation of the sugar duties, the importation of sugar from India amounted only to 107,461 cwt.; while the average importations in the years 1850-1-2 were 1,390,138 cwt. During the five years before the equalisation of the duties on rum, the average importations were 128,156 gallons; and during the five years after the equalisation they were 675,291

gallons. His right hon. Friend (Sir C. Wood) had stated the great increase in the importation of coffee after the equalisation of the duties.

In 1806, during the monopoly possessed by that much calumniated body of which he had the honour to be a Member, the exports of cotton piece goods from India amounted in value to 1,460,000*l.* In 1814, the first year of what was called free trade with India, the duty being still 62½ per cent, there were imported into this country of calicoes, and muslins 967,652 pieces. In 1814, there were imported into Great Britain 71,502 bandannahs, and of taffities, and other descriptions of silks, 31,115, at a duty of 62½ per cent; in 1836, 331,652 bandannahs, and of taffities and other descriptions of silk, only 741 pieces at a duty of 20 per cent. Now, the importation of cotton goods from India had almost wholly ceased.

He did not complain of any consequences resulting from free competition, and the fair application of the principles of free trade. But he did complain of the system of discriminating duties which had so long been maintained, and which tended to cripple the industry and crush the manufactures of India. He remembered well that when presenting one of the many petitions to which he had alluded, he had read to the House an account of the misery, privation, and destitution, of whole districts from the cessation of that manufacture from which the inhabitants, and their fathers before them, had, from time immemorial, derived the means of subsistence. It was not in India, as in this country, where a handloom weaver, or other artisan, if deprived of his usual occupation, could turn to some other branch of industry. In India, particular trades were associated with feelings of religion and caste; and when you deprived a man of the calling of his forefathers, you took from him the sole means whereby he could live, and reduced him to utter destitution. He recollected in particular having adverted to the desolation, and almost depopulation of the district of Dacca; but they had then heard none of the lamentations now indulged in. There were, then, no exuberant feelings of philanthropy towards the natives of India. Their petitions were unheeded, and their wrongs were unredressed.

This was the case as regards India. Had England prospered during the same period? In 1814, which was the first year of what was nicknamed free trade with India—a free trade whereby everything from England was admitted into India, and everything from India was virtually excluded from England—in 1814, the first year of that so-called free trade, the British cotton manufactures exported to India amounted in value to 109,487*l.* In 1849-50, they had increased to 4,421,912*l.* Had Manchester any reason to complain? How had the shipowners fared? Had they any reason to complain? In 1834-5, the British shipping to India amounted to 220 vessels, or 187,870 tons. In 1849-50, the number of vessels had increased to 425, and the tonnage to 252,153, having nearly doubled. He would be glad if any hon. Member who might follow him in debate would mention any part of the world which had exhibited similar proofs of rapid advancement. The hon. Member for Manchester, in the fondness of his imagination, ever turned towards America. The hon. Member, when speaking of the manner in which India had been treated by this country, exclaimed, "Oh, that India had only fallen into the hands of America, how happy she would have been!" He would tell the hon. Member what would have been the result. Slavery would have continued to exist, and would probably have been encouraged, while under the British rule slavery had been abolished in India. [*Mr. Bright here interrupted the hon. Member.*] He (Sir J. W. Hogg) did not mean to say that the hon. Member had actually expressed a wish that India should be subject to the dominion of America; but the hon. Member had alleged that India would have been more prosperous under American rule. He had been diverted from his statement, and had not yet given the exports from Great Britain to India. In 1834-5, they amounted to 2,682,221*l.*; and in 1849-50 to 7,578,980*l.*, being nearly threefold. Very true, said the hon. Member for Manchester, there has been a great increase in the exports from England to India; but the greatest portion of it consists of cotton goods. Well, that certainly was a most extraordinary complaint to proceed from the hon. Member for Manchester. In the same breath in which the hon. Member made the complaint, he had the candour to assign the reason, stating that the cheapness of English cotton goods enabled the natives to purchase the few rags of covering which they required. He (Sir J. W. Hogg) could see nothing to complain of in this. But still the hon. Member for Manchester was not satisfied. Of course not. He did not believe that the hon. Member was ever satisfied in his life. He believed in his conscience, that if any one could inflict on the hon. Member the feeling of satisfaction, he would be the most miserable man in the world. He would next call the attention of the House to the state of the finances of India. In the year 1850-51, when the period for which India had been committed to the Government of the East India Company was about to expire, and there was every temptation to represent matters in the most favourable light, the sketch estimate for the year showed a deficiency of half a million; and now the actual result showed a surplus of half a million. So far from the local Government having endeavoured to exaggerate the state of prosperity, they sent home an estimate showing a deficiency, while the actual result was a large surplus. Were things going backward now as had been suggested? Nothing of the kind. The sketch estimate for 1852-53, showed a gross revenue of 29 crores, 22 lakhs, 82,525 rupees; that was to say 29,228,252*l.* The charges amounted to 26,307,526*l.*, showing an Indian surplus of nearly three millions. It should be recollected that India paid, and always had paid, a heavy tribute to this country as home charges. These charges were estimated at 2,415,785*l.*, so that even allowing for that tribute, the estimated surplus for the current year was nearly half a million, including the estimate for the Burmese war. The cash balances at the different treasuries throughout India amounted in 1834 to 7,900,000*l.*, while in April of the present year they were estimated at 15,239,604*l.* Such being the state of the Indian finances, the hon. and learned Member for Leominster, indulging in his usual rashness and latitude of expression, had been pleased to speak of the bankruptcy of the East India Company. He did not apprehend much injury to the credit of the Company from the imputation of the hon. Member, whose notions of bankruptcy must be somewhat curious and whimsical. The hon. Member for Manchester had given the House a statement showing the gradual increase of the debt. What was the use of such a statement? It was only calculated to mislead and deceive. He would tell the hon. Member what would have been useful and to the purpose, and would, moreover, have been fair and candid—if he had simultaneously given the gradual increase of revenue, and had thus enabled the House to see whether the debt bore a greater or less ratio to the revenue now than in 1834. It was true that the debt had increased very considerably; but he would tell the hon. Member that the revenue had increased in a far greater proportion, and that notwithstanding all the wars that had taken place, the ratio of debt to revenue was much less now than at any period to which he had referred. He (Sir J. W. Hogg) had shown that the revenue now exceeded 29,000,000*l.*, while in 1834 it was about 18,500,000*l.* Since 1854, the total debt, including the bond debt at home, had increased 15,244,081*l.*; but what was that increase compared to the vast increase in the annual revenues? In 1834 the total debt was 38,986,720*l.* In 1839 it has been reduced to 31,965,462*l.*, thus showing how rapid was the reduction during a period of peace. From 1839 to the present time the debt had increased nearly 19,000,000*l.*, equally showing how rapid was the increase during the period of war. The expenses of the Affghan war amounted to 15,000,000*l.*, while the total expense of all the military operations were estimated at 36,000,000*l.* Who, he asked, was responsible for the expenses and the disasters of the Affghan war? Was it the Court of Directors? No, said the hon. Member for Manchester. He absolves the Court of Directors from all responsibility for that war, and states his belief that they disapproved of it. If then, as the hon. Member averred, the Minister of the Crown was responsible for that war, was it not a strange mode of obviating such evils in future, to contend that all power and authority should be withdrawn from the Court of Directors, and transferred wholesale to the very authority that caused the evil which he denounced? He (Sir J. W. Hogg) had always contended that the Affghan war was not an European war—that it had its origin in European causes, and had been carried on for European objects, and that its expenses ought to have been defrayed from the Imperial treasury—[Mr. BRIGHT: Hear hear!] Well, then, restore the 15,000,000*l.*, and what became of the argument founded on the increase of the debt? Restore that 15,000,000*l.* and then call upon the Indian Government for public works and internal improvements.

But, after all, what was the amount of the Indian debt? It did not amount to two years' revenue. The Duke of Wellington, whose voice would no longer be heard in the Councils of his Sovereign and his country, but whose wisdom would long remain for their guidance and direction, had said when this question was raised—"I remember that the Government have conducted the affairs of—I will not presume to say how many millions of people—a population returning an annual revenue of 20,000,000*l.* sterling; and that notwithstanding all the wars in which the Empire has been engaged, its debt at this moment amounts only to 40,000,000*l.*, being not more than two years' revenue." "I do not say," continued his Grace, "that such a debt is desirable; but at the same time I do contend that it is a delusion on the people of this country to tell them that it is a body unfit for government, which has administered the affairs of India with so much success for so many years."

That is no slight tribute proceeding from the lips of such a man.

While he admitted the great expenditure which must always attend war carried on in India, he must notice the fabulous statements so often repeated respecting the cost of the present Burmese war. It had been alleged elsewhere, that at the commencement of the war the lowest expense was 130,000*l.*, and that the amount would probably be not less than 150,000*l.* monthly. Now the truth was, that at the commencement of the war the cost was 30,000*l.* monthly, and when further troops were sent the cost was estimated at 60,000*l.* monthly. He held in his hand the estimate of the charges of the war for the year 1852–53, which amounted to 600,000*l.* for the whole year. The hon. Member for Manchester had alleged it as a charge against the Court of Directors that they had borrowed money to pay the dividends due on their debt. Well, suppose they had done so—did the hon. Gentleman complain that the East India Company had punctually met their engagements? Would he have preferred that they should repudiate? But the hon. Member was wholly in error, and if he would read the Act of Parliament in that behalf made and provided, he would find that the dividends were a first charge on a revenue greatly exceeding 20,000,000*l.*, and that it could not be truly stated that money had been borrowed to pay the dividends. It might, perhaps, be said why should these dividends be a charge on the territorial revenues of India? He contended that it was perfectly fair, because at the time when the arrangement was made, it was estimated that the commercial assets, which had been appropriated towards the territorial finances, far exceeded any demands that would arise from the payment of the dividends. Upon this subject he would read the authority of a noble Lord, whose attention was then specially directed to the subject. In the House of Lords, Lord Ellenborough said—

> "The territorial finances of India have appropriated to themselves as large a sum of the commercial profits as has been appropriated to the payment of dividends on East India Stock. In fact, the China trade has been administered for the benefit of the finances of India."

The hon. Member who spoke last had accused his right hon. Friend (Sir Charles Wood) of having glossed over the subject of the tenures of land. He denied the correctness of that charge. His right hon. Friend had spoken at great length: the extent and varied nature of the subject did not admit of his being brief. It was true he had not entered into all the details of the various systems of tenure: God forbid that he should, or that the House should have such an infliction imposed upon it! The hon. and learned Member for Leominster had made the most extraordinary complaint he had ever heard. He did not complain of the Court of Directors, or of the local or home authorities, but of the whole system of revenue which prevailed in the East. His complaint was that the Government of India raised the greatest part of their revenue from land. Why, to be sure they did, and they must continue to raise it from the land, or not at all. The hon. and learned Gentleman had displayed great historical research, and he would not venture to say that many of his references were irrelevant; but surely he must know that the revenue of oriental countries was derived almost exclusively from the land. It was true that in India Government was the great landlord; and a political economist of high authority, who had been cited by the hon. Member himself (Mr. Mill), had pronounced this system of revenue to be the best in the world, because the amount which in other countries went into the pockets of landlords as rent, went in India to meet the demands of the State; so that literally the people scarcely paid any taxes at all. He would not follow the hon. Member in the details into which he had entered respecting the different tenures, the permanent settlement, the ryotwarree and the village settlements; but he would tell the hon. Gentleman that of late he had heard a great deal, and had read a great deal, about the tenures in India, but that he had not heard a single argument or met with a suggestion that he had not found powerfully stated in the Minutes and Reports of the Governments and public servants at the time when these tenures were determined on. The view taken at the time might not have been correct, and the results might not have answered the expectation; but the consideration given to the subject at the time was full, ample, and complete. It was the fashion to say that Lord Cornwallis had acted rashly and inconsiderately in settling the Lower Provinces of Bengal. He denied that he had done so. Lord Cornwallis was not the man to act rashly and inconsiderately in anything. A reference to the proceedings of the time would show that Lord Cornwallis had proceeded with great deliberation, and had consulted all competent to advise him, and that his intentions were kind, generous, and benevolent. Let it be remembered how little experience we then had of the tenures of India, and that Lord Wellesley, not only approved of the permanent settlement, but proposed to extend it. While he was thus anxious to do justice to the intentions of Lord Cornwallis, he admitted broadly that the permanent settlement was injurious to the interests of the cultivators of the soil whose rights were not protected, and deprived the State of the accession of revenue accruing from the improvement and extension of cultivation. It had been stated, that under the ryotwarree system the ryot never knew the nature or extent of the demands upon him, and could never tell one year what he would be called upon to pay the next. This was partly true, and partly untrue. It was not true that the rent varied; on the contrary, there was a fixed permanent rent, and as long as the ryot paid that rent, he could not be dispossessed. This rent, however, was only payable for the land actually under cultivation, and it was therefore requisite to have an annual investigation to ascertain what extent of the land had been under cultivation in that year. Suppose a ryot held 200 acres, of which 50 had not been cultivated, he would only be required to pay the land tax on 150. There was another reason for this annual investigation. There were occasionally droughts and inundations which destroyed the crops, and rendered necessary a remission of the land tax, which was always liberally made. Every one who had considered the subject of land tenures would rise from it bewildered and confused. He believed that, however these measures may have failed in producing the desired results, all the authorities in India had endeavoured anxiously and earnestly to promote the public good, and improve the condition of the cultivators of the soil. It was human to err, and it ought to be borne in mind that some of the greatest names in Indian history had introduced the very systems that were now so loudly condemned. Lord Cornwallis introduced the permanent settlement in Bengal, and Sir Thomas Munro introduced the ryotwaree system into Madras. It was true that the settlement recently completed in the North-west Provinces had been most successful; and the hon. Member for Leominster said, why don't you extend that system to Madras and Bombay? It was easy for the hon. Member for Leominster to put that question. But ask Sir George Clerk, ask Mr. Halliday, ask any man conversant with India, and he would express his opinion, not only with caution, but with hesitation. He would tell the hon. Member that it was knowledge, and knowledge alone, which made a man conscious of the extent of his own ignorance. That very question had been put by the Committee; and the ablest and most experienced men who appeared before it, shrunk from giving a decided opinion, and had not evinced the boldness displayed by the hon. Member. [Mr. PHILLIMORE: I beg the hon. Member's pardon, but he has mistaken what I said. I said that the adoption of a new system in the North-western Provinces was an admission that the old system was wrong —not that they ought to apply the new system to the old Presidencies of Bombay and Madras.] Well, he certainly had understood the hon. Member, not only to have said so, but to have applied to the Directors some very harsh epithets, because they had not extended the North-west system of settlement to Madras and Bombay. If he had misunderstood the hon. Member, he was sorry for it. In India settlements could not be safely made upon abstract principles: reference must be had to the religion, the laws, and usages of each district; and it by no means followed that a system would be suited to Madras and Bombay, because it had succeeded in Hindostan. As far as he was competent to judge, he was of opinion the system of settlement pursued in the North-west Provinces was decidedly the best, and for so far it had been eminently successful; but it must be remembered, that it had only been recently introduced, and it was difficult to speculate as to the opinion that might be pronounced upon it some twenty or thirty years hence. It was not more in favour now than the permanent settlement had been at the time of its first introduction. By the Hindoo law, every family was joint and undivided; but any member of the family might demand a partition, so that settle as you may, the inevitable tendency is towards a minute subdivision. The next subject to which the hon. Member for Manchester had adverted, was the cultivation of cotton. A Select Committee, presided over by the hon. Member himself, had been appointed to inquire into the growth of cotton in India. That Committee examined a great number of witnesses, and made a long and careful inquiry into everything connected with the cultivation of cotton, including the tenures of land. They made an unanimous report, and he appealed to that Report in proof of the exertions made by the East India Company for the extension and improvement of the cultivation of cotton in India. They had introduced and distributed superior seeds from the different cotton-growing countries. They had procured ten Americans experienced in the management of cotton plantation; and had established experimental farms in the localities that were considered best suited for the purpose. He did not, however, place much reliance on any exertions that could be made by the Government. The production and export of cotton from India was a question of market and of price, and could not, and ought not to be forced. He believed that the cultivation of cotton in India was quite equal to that grown in the United States. The description of cotton grown was suited to their own manufactures, and their own wants; and the excess above the home consumption found a ready market in China. In both countries the refuse was used for wadding and stuffing, and for all purposes to which wool and hair are applied in this country, so that there was a ready sale even for the refuse. What was the result when cotton was shipped to this country? If there was a bad crop in America, it would sell; but if there was an abundant supply from America, no one would buy the Indian cotton, which, from the shortness of its staple, and the dirty state in which it was brought to market, was unsuited to the manufacturers of this country. Could it be expected that any one would ship cotton or anything else to a precarious market? In the early part of this century very little indigo was grown in India; now India nearly supplied the world. Why did not those interested in the supply of cotton adopt the course which had been pursued so long, and so successfully, by the indigo planters? In the indigo districts, the planters made advances to the ryots, to enable them to cultivate their lands, and agreed to purchase from them the whole produce at a stipulated price. The ryot was thus assured of an immediate sale for all he could furnish. Why did not those interested in the production of cotton adopt the same course, and thus ensure the same results? He had the honour of receiving a deputation from Manchester at the India House, and he told them, that if, instead of petitioning and agitating, a little of Manchester intelligence and Manchester capital would find its way into the best cotton districts, the results would not fail to be satisfactory. He believed that in America the cotton plant lasted three years, whereas in India it was an annual, and, moreover, could only be grown on the same land once in three years, thus enormously increasing the area required for its cultivation. Again, in America an acre of land produced 200lbs. of clean cotton, while an acre in India produced only 100lbs. The statistics of Guzerat, one of the best cotton districts, showed that the present area of cotton cultivation could not be increased; and he believed that new districts must be resorted to, in order to produce an amount of cotton that would materially aid the English market. He ventured to hope that the railways now in progress would afford access to those districts, and that ere long Manchester, that great emporium of our manufacturing interests, would not be dependent upon a foreign country for the great staple of our national industry. The hon. Member for Manchester, when referring to the proceedings before the Cotton Committee, said that there was no evidence as to the condition of the ryots in Bengal, and added his belief that if information had been afforded, it would have appeared that, owing to the permanent settlement, they were in a worse condition than the ryots in the other Presidencies. He would read to the House, as apposite to the subject, an extract from the *Calcutta Review*, a publication conducted with great ability, and which usually commented with great severity upon the Indian Government, and its measures:—

> "What strikes the eye most in any village or set of villages in a Bengal district, is the exuberant fertility of the soil—the sluttish plenty surrounding the cultivator's abode—the rich foliage—the fruit and timber trees, and the palpable evidence against anything like penury. Did any man ever go through a Bengalee village and find himself assailed by the cry of want or famine? Was he ever told that the ryot and his family did not know where to turn for a meal?—that they had no shade to shelter them—no tank to bathe in—no employment for their active limbs?"

The hon. Member for Manchester next dwelt upon the salt tax, to which he strongly objected, and he asked how could the poor natives of India, whose monthly wages were only three rupees, afford to pay 1*s.* 6*d.* for their consumption of salt, amounting yearly to 12 lbs.? Well, if they could not afford to pay 1*s.* 6*d.* for their salt, what became of the hon. Member's complaint that they did not expend 7*s.* 6*d.* on British manufactures, as he alleged was the case in the Brazils? The hon. Member then proceeded to say—

> "If you want the strongest possible evidence of the misery of the people, I will give it to you. Salt is an absolute necessary of life: living as they do upon vegetable diet, they must have it; and yet I will show you that the consumption of salt has greatly diminished, and there cannot be a stronger proof of the misery of the people."

He (Sir J. W. Hogg) confessed that this statement startled him, because he admitted that if the statement were correct, the deduction drawn from it by the hon. Member was irresistible. The hon. Member ought to have known that the statement he made could not be correct, because he at the time held in his hands returns showing that the duty on salt had been considerably decreased, and that simultaneously the revenue derived from it had increased; and how, he asked, was it possible under these circumstances the consumption could have diminished? The authority upon which the hon. Member rested his statement, was an article in the *Friend of India*, dated the 14th April, in which, after stating the amount of home manufactured and imported salt, it is alleged that in the last two years there had been a decrease in the consumption of salt in Bengal of 59,285 tons. Now what would the House think when he told them, that the same mail, and perhaps the same envelope that brought the *Friend of India*, of the 14th April, also brought the paper of the 21st, which contained an article acknowledging and correcting the gross mis-statement made in the preceding number, and which he would read to the

House. The article, which was headed "The consumption of salt," stated—

> "It has been pointed out to us that our article of last week upon the decrease in the consumption of salt contains a mistake so serious as to vitiate all the conclusions at which we had arrived. The importation for 1851-2 was not 18,50,000 maunds, but 29,43,463, exclusive of salt in bond; the former amount representing only the salt imported from Great Britain. The real figures stand thus:—
>
> | | Govt. sales. | Imports. | Total. |
> |---|---|---|---|
> | 1849-50 | 33,83,833 | 21,26,848 | 55,10,681 |
> | 1850-51 | 28,25,100 | 26,36,030 | 54,61,130 |
> | 1851-52 | 22,39,952 | 29,43,463 | 51,83,415 |
>
> The falling off in two years, therefore, has been only three and a half lacs of maunds, which cannot be considered greatly in excess of the fluctuations to which the salt trade is known to be liable, and quite insufficient to support the conclusion that the consumption has permanently decreased. Indeed it is understood that the consumption for the present official year exhibits almost as great an increase, particularly in the imported article. The figures given above represent the actual amount passed for consumption, and differ, therefore, from those given in the *Commercial Annual*, which include the amount in bond."

He did not mean to impute to the hon. Member that he read to the House the erroneous statement, and had knowingly withheld the correction, but he did contend that he was fully justified in the complaint he had made at the outset, that the hon. Member, instead of relying upon the public documents, and the evidence before the Committee, had founded his statements on scraps and extracts, the accuracy of which other Members were unable to test. The duty on salt was the only tax paid by the people of India, and he would rejoice if the state of the finances admitted of its abolition. The whole subject had been fully inquired into by a Committee which sat in 1836, and reported resolutions to the House recommending that instead of periodical sales, which had encouraged sub-monopolies, the salt golabs should always be open for the sale of salt, in quantities not less than 100 maunds. That the lowest duty, consistent with the revenue, should be imposed—and that the same duty should be imposed on the imported and the home manufactured salt. These recommendations had been immediately and strictly carried into execution, and there had ever since been free competition between the home and foreign salt. He would advert very shortly to the opium duty, which formed a considerable item in the Indian revenues. This subject had been fully inquired into by the Select Committee in 1832, who had reported that it was not advisable to abandon so important a source of revenue, and which appeared less liable to objection than any other that could be substituted. He fully admitted the truth of the observation which had been made, that this was a precarious source of revenue. It was stated that the cultivation of the poppy was proceeding in China, and that it was probable the import of opium into that country would be legalised. If so, the duty on opium would certainly be in great peril. They had, however, heard similar statements at the time of the war with China, and papers were then laid upon the table, in which some of the Chinese authorities—he believed it was Commissioner Lin—had exposed the impolicy of prohibiting the importation of opium, and had contended for the imposition of an import duty, supporting his arguments with great ability, and urging the soundest principles of political economy. If, however, the hon. Member for Manchester was so full of apprehension as to the state of the finances of India, he would perhaps hesitate before recommending the transfer to the Crown of India with all its debts and liabilities. He came now to the subject of public works, and any one who had been present at this debate would imagine that this duty had been wholly neglected by the Government of India. It was not a matter that could be determined by loud and vehement assertions on one side or the other. The charge of neglect could only be satisfactorily met by a statement of what had been done, which would lead to details and occupy time far beyond the compass of a debate. He would, however, ask permission to notice some of the more prominent works.

The trunk road from Calcutta to Peshawur was in length 1,423 miles, and had cost 1,000*l.* per mile. It had been commenced in 1836, and was now completed to Kurnoul, being some distance beyond Delhi. The yearly cost of keeping this road in order was 50,000*l.* The trunk road from Bombay to Agra was in length 734 miles, the cost 330*l.* per mile, and the yearly expense of repairs 5,000*l.* The road from Calcutta to Bombay was in length 1,170 miles, and the cost 500*l.* per mile. To give a summary, there were of trunk roads 3,159 miles, made at a cost of 2,166,676*l.*, and requiring for repairs 90,000*l.* yearly. The minor and cross roads were made by tolls on ferries, and by the application of one per cent of the revenue of the North-west provinces. In Caunpore alone there were 300 miles of cross roads. In Bengal the zemindars were required, by the provisions of the permanent settlement, to keep the roads and embankments within their estates in repair. Next, as to works of irrigation, so much required in India. The Western Jumna Canal was in length 425 miles, and the Eastern 155 miles. The Ganges Canal was in length 810 miles, and the cost 1,555,548*l.*, of which 722,556*l.* had been expended. The Ravee Canal was in length 450 miles, and the cost 500,000*l.* At Madras the rivers Godavery, Canvery, and Kistna, had all been turned to the purposes of irrigation. He would not give the details, but the aggregate cost since 1841 was 291,120*l.* When his right hon. Friend the President of the Board of Control had adverted to these great works of irrigation, the hon. Member for Manchester would express no satisfaction, would give no credit. "True," said the hon. Member, "you have expended vast sums, and constructed great works of irrigation, but why did you not do so in 1792, when a report was sent in to Government recommending works on the Kistna?" Well, he would have been glad if works of irrigation had been constructed in 1792; but the Government of that day had enough to do to preserve their footing in India, and he did not think that the House would be disposed to concur with the hon. Member in holding the Government of 1853 responsible for the omissions of the Government of 1792.

They had heard much of the blessings of the Mahomedan rule, and of the extent and grandeur of their public works. He had extracts showing the miseries and horrors of that rule that would make them shudder; but, after the length at which he had intruded on their time, he would abstain from reading them. With regard to their public works, they were such as gratified their vanity, or ministered to their luxury. If a road was made, or buildings were erected, it was only as a preparation for some royal progress, or as leading to some royal hunting grounds. When the progress ceased, or the hunt was abandoned, the road was neglected, and the building fell into decay. He would refer hon. Members to a recent work by Sir Henry Elliott, a most accomplished Eastern scholar, who exposes the gross exaggeration and fabulous statements that have been made respecting the public works of the Mahomedan emperors. It was true that the Indian Government had not expended the public funds in the erection of temples and tombs, mausoleums and palaces; but they had, without ostentation, constructed works calculated to add to the convenience and enhance the prosperity of the population at large.

The hon. Members who had preceded him in the debate, when discussing the administration of justice, had connected with it the employment of natives; and he should pursue the same course. Upon this head, and more particularly upon the employment of the natives of India, he looked with confidence to the result of the inquiry now pending before the Committee. Before 1830 the administration of India was carried on almost exclusively by Europeans: natives were only employed in very subordinate situations, and on very small salaries. Now, the universal rule and practice was, native agency and European superintendence. The administration of justice was almost entirely in the hands of the natives; and he rejoiced to add that the results fully justified the confidence reposed in them. Of original suits, 99 per cent were determined by natives; and of all suits, including appeals, 96 per cent. Natives were also employed as deputy magistrates and deputy collectors, and the salaries in the various offices to which he had alluded ranged from 100*l.* to 900*l.* a-year, and in one case the salary was 1,560*l.* In the face of this statement, substantiated by official returns, how could it be alleged that the Indian Government had not fairly and efficiently carried out the provisions of the statute of 1834? If the Government of India had prematurely placed natives in offices for the duties of which they were not competent, the benevolent intentions of the Legislature would have been frustrated. The success of the enactment providing for the employment of the natives had resulted from the the judgment, care and caution with which it had been carried out.

Their promotion had been gradual, and commensurate with their qualifications and fitness. But he felt satisfied that if they had been rashly advanced to situations for which they were unsuited, their interests and the public service would have equally suffered. The hon. Member for Manchester shook his head, indicating dissent: did the hon. Member mean to say that the natives of India had not a fair share in the administration of justice when they decided 99 per cent of the original suits? He believed the hon. Member dissented because no native had been admitted to the covenanted service. That service consisted of young men who had been educated at Haileybury College, and from thence proceeded to India; and could it be urged as a grievance that natives were not required to leave their country and go through this preparatory course before they were employed in the public service? The object was not to elevate one or two natives to the highest situations, but to employ extensively those who were competent; and the result was, that, at present, upwards of 2,300 natives were engaged in the public service. There were, besides, very grave considerations connected with the subject, into which he would not wish to enter. If natives were admitted into the civil covenanted service, he did not see how they could be excluded from the military; and then came the question, how far it would be expedient and safe to commit to them the command of our armies. It must be remembered, that the covenanted services were seniority services, where men must rise according to their standing. He put it to the good sense and good feeling of the House, if it was not better to abstain from agitating this question, and to leave it to the discretion of the Government of India to employ natives generally in the situations for which they were competent. They might rest assured that the distinguished statesmen who had filled the high office of Governor General, were as anxious as any Member of this House, to do full and ample justice to the claims of the natives of India. It had been alleged, that the Court of Directors not only had shown no disposition to carry out the provisions of the statute of 1834, but had wholly disregarded the enactment. That unfounded imputation was best refuted by the instructions sent out by the Court in the year 1834, and very shortly after the passing of the Act. He would be glad if he could read the entire despatch, but he would solicit permission to read a few extracts.

> "The meaning of the enactments we take to be, that there shall be no governing caste in British India; that whatever other tests of qualification may be adopted, distinctions of race or religion shall not be of the number; that no subject of the king, whether of Indian or British or mixed descent, shall be excluded, either from the posts usually conferred on our uncovenanted servants in India, or from the covenanted service itself, provided he be otherwise eligible, consistently with the rules, and agreeably to the conditions, observed and exacted in the one case and in the other.
>
> "Men of European enterprise and education will appear in the field, and it is by the prospect of this event, that we are led particularly to impress the lesson already alluded to, on your Lordship's attention. In every view it is important that the indigenous people of India, or those among them who by their habits, character, or position, may be induced to aspire to office, should, as far as possible, be qualified to meet their European competitors. Hence, there arises a powerful argument for the promotion of every design tending to the improvement of the natives, whether by conferring on them the advantages of education, or by diffusing among them the treasures of science, knowledge, and moral culture. For these desirable results, we are well aware that you, like ourselves, are anxious; and we doubt not that, in order to impel you to increased exertion for the promotion of them, you will need no stimulant beyond a simple reference to the considerations we have suggested. While, however, we entertain these wishes and opinions, we must guard against the supposition, that it is chiefly by holding out means and opportunities of official distinction, that we expect our Government to benefit the millions subjected to their authority. We have repeatedly expressed to you a very different sentiment. Facilities of official advancement can little affect the bulk of the people under any government, and perhaps least under a good government. It is not by holding out incentives to official ambition, but by repressing crime, by securing and guarding property, by creating confidence, by ensuring to industry the fruit of its labour, by protecting men in the undisturbed enjoyment of their rights, and in the unfettered exercise of their faculties, that governments best minister to the public wealth and happiness. In effect the free access to office is chiefly valuable when it is a part of general freedom."

Such were the instructions sent out by the Court of Directors. They are clear, distinct, and explicit, and in strict conformity with the spirit of the enactment; and he was happy to add, that they had been fully and honestly carried into execution by the local government. Hon. Members who professed such an interest in the well-being of the people of India seemed to have entirely lost sight of the great moral and social reforms which had been effected in India. Dacoity and gang robbery had been much abated, if not entirely suppressed. The horrid system of Thuggism, whereby entire communities were professionally engaged in coldblooded wholesale murder, had been wholly extinguished. Suttee had been abolished. Infanticide suppressed within our own territories, and nearly throughout the whole of India. Slavery entirely abolished. He wished that time permitted him to refer to the labours of some distinguished men, who, regardless of personal risk, had penetrated into mountain regions hitherto unexplored, and where the deadly jungles that encompassed them seemed to prevent the possibility of access. [*Here some hon. Member* *cheered.*] Yes, he well understood the meaning of that ironical cheer. It indicated distrust in his statements, and he would, therefore, solicit permission to advert to a few of the cases that were on his mind. He would first refer to Mainivava, a district near Ajmere, which, within forty years, was inhabited by savage and ferocious marauders, who murdered their daughters and sold their mothers—who seemed to recognise no tie, and were utterly regardless of life. Into that district, Colonel (then Captain) Dickson penetrated; and, alone, he accomplished as much as was ever done by mortal man in reclaiming and humanising savages. These ferocious mountaineers were rendered docile and obedient. Their barbarous and cruel practices were abolished; useful works were executed; industry was encouraged, and Colonel Dickson was more than rewarded by the success which attended his efforts, and the confidence reposed in him as a benefactor. He hoped that what he had said would induce hon. Members to read the most interesting narrative of Colonel Dickson, which united the truth of history with all the charms of romance.

He would next refer to the Bheels, inhabiting mountains in the district of Candeish. They roamed about in robber gangs. Their hand was against all, and the hand of all was against them. Every effort had been made by the native authorities to butcher and exterminate them, but in vain. When the province was ceded to us, its subjugation was effected with ease, except the Bheels, who would not yield, believing that if they submitted, they would be murdered. No wonder they thought so; like beasts of the forest they had been hunted down, and like beasts of the forest they had preyed upon mankind. Mr. Elphinstone determined that an effort should be made to reclaim them, and the selection of officers for that purpose was eminently fortunate.

Colonel (then Major) Ovans was appointed Civil Commissioner, and Colonel (then Lieutenant) Outram was instructed to endeavour to raise a Bheel corps. Colonel Ovans succeeded far beyond what had been anticipated, and for that success he was indebted to his own untiring zeal and energy, and to the temper and spirit of conciliation he evinced when surrounded by difficulties that would have appalled most men. The efforts of Colonel Outram were equally successful. He combined all the requisite qualifications. He won their admiration by his daring exploits, and their confidence by fearlessly flinging himself among them. He joined their hunting expeditions, and was ever foremost in the chase as in the field. The success which attended the efforts of Colonel Ovans and Colonel Outram was complete, and the Bheels were now a civilised and industrious people. He could not omit a hasty reference to the Khoonds, tribes inhabiting hills in the district of Gangam. Till lately the existence of these tribes was unknown, and access to their mountain dwelling was forbidden by the pestilential nature of the climate. But nothing is too perilous to be encountered by a British officer, whether in the service of his country, or in the cause of humanity.

Lieutenant Macpherson, when employed in surveying the plains, became acquainted with the existence of these tribes and their revolting usages. Infanticide and human sacrifices prevailed among them to a frightful extent. With them human sacrifices were regarded as a religious duty, and the observance of it requisite to avert the wrath of the Earth Goddess, and secure the success of any undertaking.

When Lieutenant Macpherson first interfered to save a human victim, the expectation was universal that some dire calamity must befall him. As he escaped the looked-for punishment, it was believed that he must possess some charm which enabled him to avert the wrath of the ruthless goddess. By degrees he gained the confidence of those tribes, and by perseverance and conciliation succeeded in inducing them to abstain from their horrid rites. Colonel Campbell succeeded Lieutenant Macpherson, and pursued the same humane course with like success, and both dwelt among these savages in perfect security. When the soldier mounts the breach, or rushes into the thickest of the fight, he is sustained by the consciousness that his fame will reach his home, and that his deeds of glory will be proclaimed to the world. But here were men, labouring in noxious jungles in the cause of humanity, unseen and unheard, with no visions of glory to cheer them, and no reward but the consciousness that they are discharging their duty to their God and their country. He begged pardon for the digression into which he had been forced by the interruption he had met with. He would next advert to education, which, as had been observed, was closely connected with the good administration of affairs in India.

Much had been done for the promotion of education among the natives of India; but he freely admitted that much remained to be done. Where was the presumptuous man who would not admit that he had omitted much that he ought to have done? and where was the body of men, associated for any purpose, who would not humbly make the like confession? Much difficulty had to be surmounted, and many prejudices had to be encountered, and he ventured to assert, that, since 1830, as much had been done as, under the circumstances, could be reasonably expected. In Bengal there had been established of English and mixed schools 37, and of vernacular 104. In the North-western provinces, of English mixed schools seven, and of vernacular eight. In Madras, one English and mixed school, and of the vernacular he had no return. In Bombay, of English and mixed schools 14, and of vernacular 233. The total expense yearly was 66,993*l.* The number of teachers, 855, and of pupils, 25,372, while nearly 8,000*l.* annually was granted in scholarships, besides those established by private endowment. Besides these schools, there was a medical college at Calcutta, and a college for the education of civil engineers at Roorkee, in the North-western provinces.

He admitted that the amount expended for the promotion of education was small—too small; but he begged the House to consider how slow had been the progress of all moral and social improvements at home, where there were no obstacles to impede their advancement. How slow had been their progress with regard to legal reforms, police, gaols, the provision of dwellings for the poor, and the various subjects that had of late engrossed public attention? Parliament itself, until lately, had been sparing, if not parsimonious, in public grants for education. In 1813, when the Charter of the East India Company was renewed, the sum named for education in India was only 10,000*l.* Even at home the sum granted for education for England and Wales, from 1833 to 1837, was only 20,000*l.*; while in 1851 it was 150,000*l.*; in 1852, 160,000*l.*; and in 1853, 260,000*l.* He asked them to consider the difficulties they had to contend with in India—difficulties immeasurably greater and far more formidable than any which presented themselves in this country. In India there were different races, different creeds, and different languages; while here all were born in the same land, spoke the same language, and worshipped the same God. These difficulties had been partially overcome, and he hoped that in time they would be entirely surmounted. He had no vain fear as to the consequences of educating and enlightening the people of India; he did not participate in the apprehensions which had been expressed elsewhere. He believed that their great mission was to educate and improve the people, and that it was their duty to do so, irrespective of the results. If ever they were destined to leave India, the most glorious monument to their memory would be to have advanced the people in education and knowledge, and rendered them fit for their own self-government. He was happy to say that he had now arrived at the last subject to which it was his duty to advert—the ecclesiastical establishment in India, and he would briefly state the increase which had taken place since 1833.

In 1833, the number of chaplains in India was 64. In 1852 they were 115. In 1834 the expense of the Church Establishment was 81,954*l.*, and in 1852 it was 107,765. In 1834, the allowances to the ministers of the Scotch Kirk was 6,243*l.*, and in 1852 it was 6,579. In 1834, the payments to Roman Catholic priests who administered spiritual instruction to soldiers of that faith, was 1,609*l.*, and in 1852 it amounted to 5,496*l.* In 1830 there were 106 Missionary stations, and in 1852 there were 403. With regard to the observation made, as to the small number of Roman Catholic priests, and the inadequate allowance made to them, he would observe, that the rule was to pay a Roman Catholic priest at every station where there was an European regiment. The payment made to them varied from 50 to 100 rupees monthly, and at a few of the large stations the allowance was 150 rupees. The allowance to the Roman Catholic bishop at each Presidency was, as had been stated, only 200 rupees monthly; but that allowance was not granted to him as bishop, but for the performance of certain duties connected with the registry of births and marriages. With reference to the vast extent of India, the Church Establishment might seem small; but it must be borne in mind that the Government of India only professed to provide spiritual instruction for those engaged in the public service, and not for all residents in India. He had that day met with a very interesting book, the *Missionary Intelligencer*, and as it afforded strong and independent testimony as regarded the religion, morality, integrity, and capacity, of the public servants, he would beg the attention of the House to an extract:—

> "Looking at the state of the country politically, we think there is a remarkable opening for the ministers of the Gospel, as perfect peace and good order reign in the whole extent of the Punjaub, as in any part of England. We see nothing to deter any prudent faithful man from travelling about in all parts, or settling in any one place, and preaching the Gospel of salvation fully, and in doing so, holding up to just condemnation all the false systems by which the people are held bound of Satan. Much more, we think there is not only a wholesome fear, but a just respect, for the Englishman. The Government of the country have done much to establish this state of things. The Governing Board are well known for their high principles, and their spirit and example pervade all the officers of Government, who seem to have been selected for energy, talent, habits of business, and upright character. The rapidity of the improvements in the country is really wonderful. A few years have done the work of an age in the Punjaub, and the people, feeling perfect security for life and property, and a strong reliance upon the administration of justice, are freed from all petty oppression, and in the full exercise of industrious pursuits, are not only contented but happy; and, moreover, the general state of European society is good.
>
> "It does one good" (we refer to a private letter), "to see so many men of talent and rank all intent on their work, and all alive and progressing onward, and sparing no labour of either body or mind to perform their end. Everything here is on the alert. Men are on their Arab horses, and off at a moment's notice anywhere, and at a rate that would terrify some in England. Others go out and spend six months at a time in tents, and think nothing of either the hot sun by day, or the cold frosts by night as they travel along administering justice from town to town; they have sometimes to leave a station at a week's notice, and selling off, all go to a distant part of the country. And if men gladly do all these things as soldiers or rulers, surely we ought not to be behind in a better cause. They seem here to have their eyes open to everything that is going on in the whole country, making roads and canals, erecting bridges, settling the revenue, building cantonments, planting trees, and looking into the minutiæ of everything. But we want more men, for the members of the Government are doing all they possibly can to encourage us, and probably there are few countries where such an opening presents itself."

He felt how inadequately he had discharged the important duty which had devolved upon him, and how unduly he had trespassed upon the indulgence and attention which had been so kindly afforded him. The subject was of vast importance, and the body with which he had the honour to be associated had been assailed, not only with charges of mismanagement and errors of judgment, but even their motives and intentions had been impugned. He did not complain of arraigning the acts of the East India Company. The acts of all public men were open to public canvass, and, if they deserved it, to public condemnation; but he did complain of some expressions which had fallen from some hon. Members, impugning the purity of the intentions of the Court of Directors. One hon. Member, a Friend of his own, the Member for Poole, had exclaimed, "What sympathy have the Court of Directors with the people of India?" What sympathy? Had they not a sacred duty to discharge, and why should the hon. Member suppose that they were not disposed to perform it? Let him say, if he so pleased, that the Directors were incapable and incompetent; but let it not be repeated that they were indisposed to discharge their duty to the people of India. For himself he would say, that he had proceeded to India at an early period of life, in the service neither of the Crown or the Company, dependent solely on his own exertions, for his success and advancement. It had pleased God to prosper his exertions, and he was indebted to that country for the independence that enabled him to have a seat in the great council of his country. He was indebted to India by every tie of gratitude and affection; and he would tell the hon Gentleman, that feelings like those were as likely to produce beneficial results to the people of India, as the promptings of abstract philanthropy and benevolence. He could say for himself and his colleagues, that personally they cared little what might be the determination of Parliament; but their earnest wish and anxious prayer was, that the Supreme Disposer of events might so direct their councils, that they might select that form of government, and those instruments to execute it, that were best calculated to advance the interests and happiness of the people of India, and the honour and glory of this great country.

On the Motion of Mr. BLACKETT, the debate was *further adjourned* till Thursday.

The House adjourned at One o'clock.

HOUSE OF LORDS,

Tuesday, June 7, 1853.

MINUTES.] PUBLIC BILL.—1ª Consolidated Fund.

DRUMMOND'S (DUKE DE MELFORT'S) RESTITUTION BILL.

The LORD CHANCELLOR, in moving the Second Reading of this Bill, said, he thought it necessary to state, very shortly, the circumstances which had led to its introduction. The object of the Bill was to reverse the attainder of the Earls of Perth, who were attainted in consequence of the part they had taken in the rebellions of 1715 and 1745. At a very early period, within the first year or two of the accession of James I. to the throne of England, that sovereign created a member of the family of Drummond, Earl of Perth, the title to belong to him and his heirs male. The first person so created died without issue male, and in consequence his brother succeeded to the title, and he was succeeded by his son. This third Earl had two sons, the eldest of whom was James, who became fourth earl, and the second, John. James, the fourth Earl, became Chancellor of Scotland, and had several sons, one of whom, James, adhered to the fortunes of the exiled royal family, and was engaged in the rebellion of 1715, for which he was attainted. He had two sons, who continued faithfully to adhere to the exiled family, and both of them were engaged in the rebellion of 1745. Only the youngest of them, however, was in fact attainted, because the Act of Parliament only threatened attainder to all those who continued to adhere to the Pretender, and who neglected to surrender themselves before a certain day, and before that day arrived the eldest son died. At length, the descendants of him who had been Chancellor of Scotland became extinct, from default of male heirs, and that being so, the party who became entitled to the earldom was John, the second son of the third earl, or his descendants. His representative, who succeeded to the title, was not affected by any act of attainder in England; but he, too, was an adherent of the exiled family, and, quitting this country, a decree of forfeiture, equivalent to an Act of attainder in England, was passed against him in Scotland. He went to France, and was there created Duke de Melfort. He was twice married, but the Melfort branch was limited to his issue by his second wife. Therefore now the representative of the Earl of Perth, but for the Scotch decree of forfeiture, would be the descendant of John, the brother of the Lord Chancellor, through the line of his second wife, namely, the Dukes of Melfort. The third Duke of Melfort had issue several children, all of whom died without issue, except the youngest, George, the present claimant. This George, being clearly the representative of the Earls of Perth, presented a petition to Her Majesty some years ago, praying that the dignity of Earl of Perth might be restored to him, and urging that the effect of the law of attainder in Scotland was not the same as in England, and that no person was affected by the Scotch attainder except the particular person to whom the Act applied. The case came before their Lordships' House when Lord Cottenham was Lord Chancellor. It was very carefully investigated, and doubts were entertained whether the view which was taken of the law of Scotland on behalf of the Duke of Melfort—namely, that the attainder did not affect any one besides the person to whom it specifically applied—was correct or not. After elaborate arguments it was agreed that the claimant would have succeeded in making out his title but for the forfeiture; but all their Lordships were clearly of opinion that the attainder was as complete a bar to succession in Scotland as in England. His noble and learned Friend (Lord Lyndhurst) suggested, however, at the time, whether this was not a case in which it might be fitting to ask Her Majesty to give her consent to the removal of the bar created by the attainder. This was in 1848 or 1849, and the subject then dropped; but it had since been revived; and, Her Majesty having graciously consented that the attainder should be reversed, he (the Lord Chancellor) had laid the present Bill on the table with that object. Of course, the measure would not restore the Duke de Melfort to any of the estates of his ancestors, for his right to them would be barred by lapse of time over and over again, but simply to reverse the fact of the attainder, which would enable him to claim the honours and dignities of the earldom of Perth.

Lord LYNDHURST wished to say a very few words on the subject of this Bill. He had been requested to sit on the Committee of Privileges during the investigation of this claim; he closely attended the proceedings, and, after a minute investigation, he was perfectly satisfied that the pedigree of the claimant was clearly established. The then Lord Chancellor (Lord Cottenham) concurred in that opinion; and the Lord Advocate, who attended at the bar to watch the evidence, was also perfectly satisfied. It was argued, on the part of the plaintiff, that by the operation of the Scottish law, the attainder did not attach to the plaintiff. A case decided by Lord Hardwicke was relied upon in support of this view; but, after a long argument, Lord Cottenham and himself (Lord Lyndhurst) were clearly of opinion that that case had no application to the one before them, and that the claim of the Duke de Melfort was absolutely barred by the attainder. The Committee of Privileges, therefore, reported against the claim, and the House of Lords adopted that decision. He (Lord Lyndhurst) suggested, however, as his noble and learned Friend had mentioned, the propriety of an application to the Crown on the part of the Duke de Melfort, for the purpose of obtaining a reversal of the attainder; and it was with great satisfaction he had heard that Her Majesty had been advised by his noble Friends opposite to interpose, with Her usual benevolence and liberality, for the purpose of restoring the honours of this family. He need scarcely inform their Lordships that the family of Drummond was one of the most illustrious and ancient families in Scotland. One member of the family was so celebrated for his extraordinary military valour and prowess, that, having accidentally fallen a prisoner into the hands of Edward I., that king directed that public thanksgivings should be offered for his capture. The individual upon whom the Earldom of Perth was conferred was a person of great accomplishments; he was appointed by his Sovereign to negotiate a treaty of peace with the Court of Spain, and he discharged the duty with so much skill and talent, that he was rewarded with the earldom. During the troubles in the reign of Charles I., one of the Drummonds accompanied the gallant Montrose in his extraordinary and chivalrous expeditions, and afterwards he and his son suffered great persecution from Cromwell in consequence of their steady adherence to the Royal cause. It was not to be supposed that a family so distinguished for their loyalty would, at the time of the Revolution, desert their ancient Sovereigns. They adhered to the fortunes of the exiled Stuarts — relinquishing their stations in some instances, and exposing their lives in the service of that unfortunate house. At the battle of Culloden one of them was severely wounded, and afterwards escaped into France. A hundred years had now passed away since these events; the differences of those times were now happily forgotten; the line of princes to whom this family had so chivalrously adhered had become extinct, and there was no longer any reason to doubt the allegiance of any member of the family to the reigning Sovereign. The traditional loyalty of this family, indeed, afforded the strongest guarantee for their future loyalty and their stedfast obedience to their Sovereign; and he hoped that, under these circumstances, their Lordships would give a unanimous vote in support of the second reading of this Bill.

LORD BROUGHAM expressed his entire approval of the Bill. He approved of it, he said, upon this ground among others —that in doing an act of justice to the noble claimant, it did no injustice to any other person. He used the word justice — because, although it was true that it was an act of kindness and grace on the part of Her Majesty, he thought at the same time that it was nothing less than justice to that noble individual. He could not help remarking, in one word, that there were other cases which stood precisely in the same situation as the present, in which a similar concession might justly be made.

LORD CAMPBELL protested against the Jacobite tone of the speech of the noble and learned Lord (Lord Lyndhurst). He (Lord Campbell) admired as much as his noble and learned Friend could do, the chivalry of those who stuck by the family of the Stuarts, but he could never forget that that family was rightly and justly dethroned. He hoped that his noble and learned Friend, in his admiration of the clans who adhered to the Stuarts, did not mean to throw any slur on the clans who supported the cause of civil and religious liberty, and helped to place the House of Hanover on the throne.

The EARL of ABERDEEN said, that he also felt pleasure in supporting the Bill, particularly as the present claimant had served Her Majesty for many years with great credit to himself, and had, therefore, given a practical proof of his personal loyalty, in addition to that traditional loyalty which his noble and learned Friend had ascribed to him.

Bill read 2^a.

ARRESTMENT OF WAGES IN SCOTLAND.

LORD BROUGHAM, pursuant to notice, *presented* a petition from certain manufacturers of Glasgow, praying for an alteration of the laws of arrestment of wages for debt in Scotland. The application of the law of arrest of wages of workmen had been found to be attended with the greatest inconvenience and injury. Many of the mischiefs which induced their Lordships to abolish arrest on mesne process had been found also to arise from this law of arrestment. The indiscriminate giving of credit was one of the evils which arose from the old law of arrest in this country; and so in Scotland the allowing workmen's wages to be arrested for debts due from them produced a similar effect. He suggested that it should be referred to the Commission now sitting to inquire into the mercantile laws of the United Kingdom, with the view of assimilating them as much as possible.

Lord CAMPBELL said, that that subject was one of considerable importance. He could see no reason why the commercial law of every portion of the United Kingdom should not be assimilated.

The LORD CHANCELLOR said, he entirely concurred in the opinion that the best course they could pursue would be to refer that question to the Commission which was at present inquiring into the expediency of assimilating the commercial law of England, Ireland, and Scotland. He thought it a matter of great importance, and it was a matter of great importance that gentlemen of such eminence had undertaken the inquiry.

The Earl of HARROWBY presented petitions signed from Liverpool, and from the Chambers of Commerce of Bristol, Blackburn, Stoke-upon-Trent, Worcester, Hull, Southampton, Plymouth, Dundee, Belfast, and other towns; the petitioners complained of certain defects in the commercial law of the United Kingdom; and they prayed that that law might be assimilated in England, Ireland, and Scotland, and that commercial tribunals might be established for the adjudication of mercantile disputes.

Lord CAMPBELL expressed his disapproval of the proposal that tribunals of commerce should be appointed to adjudicate upon mercantile questions. He believed that those questions would be best decided by a judge, assisted by a jury consisting of mercantile men, and not by a judge without a jury.

The LORD CHANCELLOR said, it was quite out of the question that commercial tribunals should be appointed to decide mercantile disputes. It was above all things desirable that those disputes should be decided upon uniform and correct principles, and that object could not be attained under the system proposed in the petition.

House adjourned to Thursday next.

Lord Brougham

HOUSE OF COMMONS,

Tuesday, June 7, 1853.

The House met, and forty Members not being present at Four o'clock, Mr. Speaker adjourned the House till *To-morrow.*

* * *

HOUSE OF COMMONS,

Wednesday, June 8, 1853.

Minutes. Public Bills. — 2° Glanders Prevention; Common Lodging Houses.

COURTS OF COMMON LAW (IRELAND) BILL.

Order for Committee read. House in Committee.

Clause 1.

Mr. WHITESIDE said, the English Common Law Commission had recently made a second Report, portions of which had been anticipated in the Bill; other parts had been carried out in some new clauses, but other parts, perhaps, required more consideration. As to costs, the reduction would be great; as, for instance, the costs on judgment by default would be reduced from 12*l.* to 4*l.* He suggested that there should be a schedule of the Acts repealed.

The ATTORNEY GENERAL said, the only object was to make the Bill as perfect as possible. It was desirable that the legislation as to both countries should be uniform. The clauses referred to had better be postponed until the new English Bill was ready.

Mr. CROWDER said, he should wish to know if the Bill were to pass until these new improvements were introduced? It would be inconvenient to introduce a law only to be altered again next Session.

Mr. WHITESIDE said, he wished to pass the Bill because it was not at all dependent upon the clauses referred to, which related to the amalgamation of law and equity, and did not conflict with the Bill. If on the third reading, however, any new clauses could be introduced, of course all the better.

Mr. NAPIER said, he wished to add a word in favour of pleas being verified upon oath.

The ATTORNEY GENERAL said, he must oppose this.

Mr. WHITESIDE said, nevertheless he must propose it at the proper time, in accordance with the recommendation of the Commission.

Clause *agreed to.*

Clauses up to 9 *agreed to.*

Clause 10 (Actions to be commenced by writ of summons and plaint).

MR. J. D. FITZGERALD said, he objected to the expense which would be occasioned by requiring the cause of action to be set forth in the writ of summons. This was a retrogression, and a revival of the practice of proceeding by "special original," in which the cause of action was fully set forth.

The ATTORNEY GENERAL said, this subject had been brought before the Common Law Commission, and it was suggested that by adopting this clause a twofold process would be avoided: first, that of taking out a summons, and then filing a bill or plaint. The answer to that was, that in nineteen cases out of twenty the actions were settled on the issuing of the summons alone. In the twentieth case, no doubt, facility would be given by including in the summons the full particulars of the plaint; still, if it were thought that it would be better to adopt the summons merely, without the full particulars, he was quite prepared to support the proposition.

MR. WHITESIDE said, the proposal went to the very root of the Bill. In the summonses issued by the County Courts the plaint was set forth, and thereupon the party assigned his defence, upon which the adjudication immediately took place. The sum now charged by an attorney in Ireland for the issue of a writ was 2*l.* 10*s.*; and, though the Bill would not much reduce that sum, yet, by dispensing with the declaration, which now cost 6*l.* or 7*l.*, much expense would be saved. The object of the measure was to encourage truth and brevity, and to provide that the defendant should be informed why he was dragged into a Court of Law, and a full and complete account of the claim was, therefore, required to be furnished on the writ of summons to be proved by affidavit or declaration. The 15 & 16 *Vict.*, c. 25, admitted that very principle which the hon. and learned Attorney General seemed to forget. He begged the Committee to affirm this principle in the present case, and not to be frightened by the notion that these plaints could not be briefly stated.

MR. KEOGH said, he thought there could be but one wish in the Committee with respect to the administration of the law in Ireland, and to the relief of the suitors in the superior courts from all unnecessary expense, and he could assure his hon. and learned Friend opposite of his desire to promote that object as much as possible. In considering the Bill before the House, he was disposed to concur with the hon. and learned Member for Enniskillen (Mr. Whiteside), though most anxious to meet the wishes of his hon. and learned Friend the Member for Ennis (Mr. J. D. Fitzgerald). In the assistant barristers' courts in Ireland, in which the jurisdiction had been lately extended to claims of 40*l.*, short forms of plaint and summons had been adopted, and he did not see why they should not be adopted by the superior courts also. The apprehensions of the hon. and learned Attorney General for England, and of his hon. and learned Friend, seemed to be, that the provisions of the clause might be made use of by attorneys to enlarge the pleadings by elaborate statements of the plaintiff's demand, and thus increase the expense. He did not think, if they referred to the 5th and 10th clauses together, they would be still of the same opinion. He would support the 10th, but concurred in the objections to the 11th clause, as he thought it would be enough to give particulars of plaintiff's demand before the summons or plaint had been filed.

MR. NAPIER said, he should support the clause, for he could not understand the objections of the hon. and learned Member for Ennis to extend a system which had worked so well in the inferior courts to the courts above. The Master of the Rolls in Ireland, in a valuable pamphlet he had lately written, had approved of the principle.

MR. COLLIER said, he thought there was a *primâ facie* case made out for the plan of the hon. and learned Member for Enniskillen over that of the hon. and learned Member for Ennis; inasmuch as one mode of proceeding was simpler than two modes of proceeding, and the answer of the hon. and learned Member to that case did not appear to him to be sufficient. He was in favour of the plaintiff stating the cause of action to the defendant.

The ATTORNEY GENERAL said, he did not wish to set himself in opposition to the views of so many of his learned Friends, particularly as his hon. and learned Friend the Solicitor General for Ireland thought the clause would be beneficial; but he must say he did not think his argument had been appreciated. They could not desire to make the issuing a writ dearer than it was at present, but it would be necessarily dearer if new matter was inserted in it. The practice in the county courts had been referred to; but in ninety-nine cases out of one hundred the claims before these courts were mere simple money demands, in which it was reasonable that the plaintiff should inform the defendant what was his claim. In the superior courts, however, in cases of actions on covenant, charter parties, libel, &c., it would be impossible to state the matter of complaint.

Mr. G. BUTT said, he would suggest that the clause should be altered by the insertion of words to the effect that the plaint should contain a true and succinct statement of the plaintiff's claim, instead of a narrative of it.

Mr. WHITESIDE said, that this Bill, so far from being an ill-considered measure, as had been said, was the result of many months' deliberation on his part, and that it had been read and approved by many eminent lawyers and judges, amongst whom were the late Lord Chancellor Blackburne and Baron Greene. The system of procedure laid down by this clause was that adopted by the Supreme Court of New York.

Mr. ROSS MOORE said, that the Amendment suggested by the hon. and learned Member for Ennis (Mr. J. D. Fitzgerald) would defeat some of the principal provisions of the Bill.

Mr. CROWDER said, he was disposed to agree with the hon. and learned Member for Enniskillen (Mr. Whiteside), as he believed the clause as it at present stood was more in accordance with the scope and character of the Bill, and particularly with that part of it which related to the abolition of the forms of action.

Mr. M. CHAMBERS said, that he believed that the clause as it stood would materially increase and not diminish expense. The object of the clause was to make the writ of summons also in substance the declaration. Now, in all but the simplest cases, a special pleader or a barrister must be consulted to draw the writ of summons, which must increase the expense very materially. The result of the employment of special pleading at this stage of an action, would also, he thought, be to increase litigation, by leading to the defence of actions, not on their merits, but upon ingenious objections to the validity of the statement of the plaintiff's claims. The clause involved a mere experiment, and he should oppose the making of that experiment.

Mr. J. D. FITZGERALD said, that, finding the majority of the Irish lawyers in the House were opposed to him, he should not press the Amendment which he had suggested to a division.

Clause *agreed to;* as were also Clauses 11 to 31 inclusive, with some slight verbal amendments.

Clause 32.

Mr. J. D. FITZGERALD said, that he must object to permitting service of the writ to be made at a man's house or place of business, or upon the members of his family, instead of personally as at present. This was especially objectionable when taken in connexion with the other clauses of the Bill, which enabled judgment to be obtained in a few days.

Mr. WHITESIDE said, that this clause only permitted that to be done without the order of a Judge which could now be done with such an order. It would, therefore, simplify the proceedings and save expense, without exposing the defendant to any new danger.

Mr. G. BUTT said, he would suggest that they should let the general law stand as it is in England; and with respect to cases of fraud, or going away to avoid service, there were subsequent clauses which would give perfect protection to creditors.

Mr. WHITESIDE said, that an ejectment to strip a man of his entire estate might be served in the manner proposed under the general orders of the Court, and he could not see why a process for the recovery of a small debt should not be served in the same way.

Mr. KEOGH said, he would suggest that the hon. and learned Gentleman might meet the objection suggested by the hon. and learned Member for Ennis, where persons were accidentally absent from their residence.

After a few words from Mr. Crowder and the Attorney General, the word "actually" was introduced, by which it is rendered necessary that the party should be personally and actually within the jurisdiction of the Court, and the clause as amended was agreed to.

Clause *agreed to;* as were—

Clauses 33 to 37.

Clause 38 (That to every summons and plaint an affidavit in verification should be annexed),

The ATTORNEY GENERAL said,

the clause had relation to a much-vexed question, and to a matter upon which great division of opinion existed—among the profession it being held, on the one hand, that it was desirable to introduce such a provision into the Courts of Law, while others took the opposite view. He confessed he himself inclined rather to the former opinion, for he had the greatest possible objection to the multiplication of oaths, and he did not think that in the present instance their introduction was essentially necessary for the administration of justice. That, however, was not his only objection, for he believed that in many cases the operation of the clause would place plaintiffs and defendants in a position of very great difficulty. At the time, for instance, when a defendant might be called upon to verify his pleadings, he might not be in such a state of mind as to make the required affidavit, nor yet at the same time was he able conscientiously to succumb to the demands made against him. He quite concurred in the conclusion recently reported by the Common Law Commissioners, that the introduction of such oaths would only prove a snare for tender consciences, and would offer no obstacle whatever to the designs of unscrupulous persons; and the persons most likely to defend a bad action were the evil-minded and unscrupulous. He believed that the effect of the clause would be to render the taking of oaths a mere matter of form; and the moment you reduce an oath to be a formal thing, Parliament will be removing the objection to taking them on the part of the great mass of mankind, just in the same way as oaths were taken in that House. How many oaths were taken at the table of that House on the subject of qualification, which every one knew to be quite indefensible but for the sort of conventional morality by which their existence was held justified and excused? However, as considerable difference of opinion prevailed on the point, he should offer no very strong opposition to the experiment being tried in Ireland; but, as long as the result was in doubt, he should most certainly object to its enforcement in England.

MR. WHITESIDE said, he should feel very considerable regret if the Committee gave its assent to the clause upon the principle that an experiment was to be tried in Ireland which it was impossible to introduce into England. Speaking from experience, he was able to say that pleadings were oftentimes no more the allegations of the party whose they were supposed to be, according to the theory of the law, than they were the allegations of Prince Menschikoff or the Grand Vizier; on the contrary, they were the mere firings off of one pleader against another. In former times, indeed, every man who told a lie was immediately put into gaol; now-a-days, however, he should be much afraid, if such a practice prevailed, the country would be covered with prisons. The clause before the Committee, therefore, was directed against the evils of special pleading, which by the legislation of that day they had done more to demolish than had ever before been accomplished. The purport of the Bill was to encourage truth; make every person verify his pleadings by rendering it compulsory on him to state that which they contained he believed to be the fact. The code of New York distinctly recognised the practice he was contending for, and it declared that the Courts of Justice ought to be schools of morality, and if a different principle were sanctioned, that they would become the corrupters instead of the teachers of mankind. That, secondly, every man ought to be protected from false charges; third, that lawsuits were unjust to society, and if lawsuits were prevented that a benefit would be thereby conferred upon mankind. Fourthly, that if parties were not confined in their pleadings to stating what was the fact, no adequate reform in the law could be effected. In the Court of Chancery the practice was already allowed. ["No, no!"] Why, surely it was requisite to verify a Bill for an injunction by an affidavit? The Bill would deal out a death-blow to all the quips and quirks of law, and they would no longer behold counsel attesting the truth of statements which—with remorse he might say—they often had done, knowing in their hearts that they were perfectly untenable.

MR. KEOGH said, that, notwithstanding he did not believe the introduction of these affidavits would bring about the golden age anticipated by the hon. and learned Gentleman opposite, he would not oppose the clause, as it was one upon which considerable doubt prevailed, and the more so as his right hon. and learned Colleague the Attorney General for Ireland approved of its introduction.

MR. J. D. FITZGERALD said, as one who had some practical experience of the working of Irish lawmaking in reference to matters between subject and subject, he wished to suggest that agents should be allowed to attest the truth of pleadings in lieu of the plaintiff himself. He did not mean law agents, but parties acting for others in mercantile or commercial transactions. They were commonly much better informed as to the transctions in dispute than their principals, and their verification consequently would be of much more value. The value of his Amendment would be apparent in the case of an English merchant dealing with Ireland. His transactions were usually carried on by means of an agent resident there, and he might consequently be called on to speak to the truth of matters, the details of which he was wholly unacquainted with. He believed, therefore, that a provision such as he suggested, was absolutely necessary to meet such a case.

Mr. NAPIER said, he would rather part with the clause altogether than consent to such an Amendment being introduced. He believed that the effect of permitting the party supposed to be best acquainted with the facts of any particular case to verify pleadings, would have anything but a tendency to advance the cause of justice in Ireland.

Mr. HUME said, he wished to trouble the Committee with a few observations, for the purpose of saying that he had never listened to a statement with more unfeigned satisfaction than to that in which the hon. and learned Gentleman opposite (Mr. Whiteside) had introduced the measure to the Committee; and he was rejoiced to find that the Bill had met with the support of Her Majesty's Ministers. It was exceedingly gratifying to find legal Gentlemen vying with each other in their endeavours to simplify the law, for he was quite old enough to remember when it was very different indeed. Time was when the only lawyer in the House that demanded legal reform was Mr. Michael Angelo Taylor, who, however, confined his efforts in that direction to an annual speech. He was most happy in expressing his cordial thanks to the hon. and learned Gentleman who had introduced the present Bill, and he only hoped, as Ireland had obtained justice in this matter, that Scotland's time was not far off.

Mr. G. BUTT said, he believed the suggestion of the hon. and learned Gentleman the Member for Ennis to be quite superfluous.

The ATTORNEY GENERAL said, he must beg to explain, in reference to what had fallen from the hon. and learned Member for Enniskillen (Mr. Whiteside), that his objection to the clause rested not upon any unwillingness to assist in the overthrow of the system of special pleading, but in an antipathy to multiplying oaths unnecessarily.

Mr. J. D. FITZGERALD said, he would not press his present Amendment to a division. He must, however, persevere with the Amendment of which he had given notice—namely, to substitute the word "declaration," in lieu of "affidavit," in this and the remaining clauses of the Bill.

Mr. GEORGE said, he concurred in the first part of the Amendment of the hon. and learned Member for Ennis, and he trusted that the hon. and learned Member for Enniskillen (Mr. Whiteside) would substitute a declaration in place of an oath. In respect to the other part of the Amendment, he scarcely thought that it could be carried out.

Mr. WHITESIDE said, that everything that could reasonably be asked was provided for in the Bill.

Viscount MONCK said, that this was a broader question than that of law; it was a question of morality. He thought that there was a great deal of morbid sentimentality about oaths. An oath, in his opinion, was only a solemn mode of pledging the conscience of an individual as to the truth of any statement. He was of opinion that if they were to retain the system of affidavits at all, they were lowering the standard of morality by informing people that it was less binding on them to tell the truth when they were making a declaration than when they were taking an oath.

Mr. CROWDER said, he should support the clause as proposed by the hon. and learned Member for Enniskillen. There was no doubt a class of conscientious persons who had scruples about taking an oath who did not fall within the class of persons for whom this Bill was intended. There was, however, a Bill already provided to meet their cases. Under these circumstances he thought it better to let the general law on the subject of oaths operate in this Bill.

The ATTORNEY GENERAL said, he would suggest to the hon. and learned Member for Ennis the propriety of withdrawing his Amendment, as it was not worth while to press it in the present case. The objection which he (the Attorney General) had to the multiplication of oaths was, because he attached so much importance to an oath in a Court of Justice he did not wish to have its sanctity lowered by seeing it applied to any case where it was not absolutely necessary.

MR. V. SCULLY said, he should support the Amendment of the hon. and learned Member for Ennis as the lesser of two evils, for he objected both to affidavits and declarations. In reference to the measure itself, he must protest against this experimental legislation in Ireland. The law officers of the Crown appeared to think that the measure would not do for this country, but said that it might be tried in Ireland—acting, as he supposed, upon the principle, *Novum experimentum in corpore vili.* Now he would even prefer bad law in common to both countries, than good legislation that was peculiar to Ireland alone. He would suggest that the Bill be referred to a Select Committee.

MR. J. D. FITZGERALD said, he would not press his Amendment.

Clause *agreed to;* as were also Clauses 39 to 62 inclusive.

Clause 63.

MR. J. D. FITZGERALD said, this clause provided that in certain actions against sheriffs and other magistrates the trial should take place in the county where the act complained of had been committed. This gave to magistrates a protection not enjoyed by other classes of the community: he should therefore move that the clause be omitted.

MR. WHITESIDE said, the principle of the clause had existed for centuries, and he only followed the law on the subject that had existed since the days of Charles I., and which was affirmed in 1849. He could not, therefore, consent to the omission.

MR. KEOGH said, he should support the Amendment. He saw no reason why the clause should be retained because it contained what had been the law for centuries. The same argument might be employed against the whole Bill.

MR. NAPIER said, if the clause was negatived, it would only leave the law as it now stood. The clause contained nothing but what was already the law of England as well as of Ireland.

The ATTORNEY GENERAL would only say that the law was a very bad one; and he saw no reason why it should be repeated in the present Bill.

MR. PHINN said, there was always a suspicion of partiality when magistrates were tried on the scene of their alleged offences, and he did not see that when they committed breaches of the law they were entitled to greater protection than others.

MR. J. D. FITZGERALD said, the law would not remain as it stood; for two of the old Statutes were repealed by the Bill.

The ATTORNEY GENERAL said, if the law should remain as it stood in case the clause was omitted, there was no necessity to retain the clause at all; he should therefore support the Amendment.

Motion made, and Question proposed, "That the Clause stand part of the Bill."

The Committee *divided:*—Ayes 31; Noes 70: Majority 39.

House *resumed.*

Committee report progress.

The House adjourned at Ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, June 9, 1853.

MINUTES.] PUBLIC BILLS. — 1^{a} Small Debts (Scotland) Act Amendment; Income Tax.
2^{a} Hackney Carriages (Metropolis); Consolidated Fund £4,000,000.

SMALL DEBTS (SCOTLAND) ACT AMENDMENT BILL—ARRESTMENT OF WAGES.

LORD BROUGHAM said, that since he presented a petition on Tuesday night on a matter of great importance to the manufacturing interest of Scotland—the arrestment of artificers and labourers' wages—he had thought the best course would be to introduce a Bill on the subject, with the view of amending certain provisions of the Act of 1837. He would, therefore, now lay upon the table a Bill to alter and amend an Act of 7th *Will.* IV. and 1st *Vict.*, cap. 41, so far as relates to the Arrestment of Wages for Debt.

The LORD CHANCELLOR was quite ready to concur in the first reading of this Bill, for, as far as he understood the subject, he was disposed to think that the law allowing the arrestment of wages was very objectionable. He would, however, suggest that the Bill should be immediately printed, and that ample time should be allowed before the second reading for its consideration by the numerous parties in Scotland whose interests it affected.

LORD BROUGHAM expressed his readiness to act upon the suggestion of his noble and learned Friend.

LORD PANMURE was glad the noble

and learned Lord had introduced this Bill, for he was satisfied that the system which it was intended to deal with had occasioned in a great measure the extensive consumption of spirits which took place in the large towns of Scotland. When retailers of spirits found that an artificer was a clever workman, and obtained good wages, they gave him credit, without any consideration for the interests of his family, and at the end of the week he might find himself almost penniless.

Bill read 1ª.

HACKNEY CARRIAGES (METROPOLIS) BILL.

LORD STANLEY OF ALDERLEY, in moving the Second Reading of the Bill, said, he would state very briefly the nature of the provisions which it contained. There had been no subject of more general complaint than the condition of hackney carriages in this metropolis, where he believed they were far inferior not only to the hackney coaches in the principal cities of Europe, but even to those which were used in the chief provincial towns in this country. Great complaints had also been made of the extortion of the drivers, and of the difficulty which existed in ascertaining the proper amount of fares. With the view of obtaining some security for the character of drivers and the condition of their carriages, this Bill proposed that all persons applying for licences should go before the Commissioners of Police, who should inspect the vehicles; and if they considered them fit for public use should grant certificates, upon which licences would be issued by the Board of Inland Revenue. The persons to whom licences were granted were to be under the supervision of the Commissioners of Police; and if their carriages or horses were found to become unfit for use the licences might be suspended, and penalties might be imposed. The present fare of 8*d.* a mile was to be reduced to 6*d.*, and back fares were to be altogether abolished. It was, however, proposed, on the other hand, by the Chancellor of the Exchequer to make very material reductions in the duty upon licences to cabmen, namely, from 10*s.* to 7*s.* a week, and from 5*l.* to 1*l.* for the year; and the cab proprietors and drivers would also be relieved from the expense to which they were now subjected for watermen at the various stands. It was intended that the duties of watermen should be in future performed by officers of police, who would see that order was preserved at the different stands, and who would give any information that might be required to persons hiring cabs. There were other alterations which were advantageous to the cabmen. For instance, their present fare for time was 1*s.* 4*d.* an hour, while under the Bill it would be 2*s.* an hour. There was one other provision which required that all hackney carriages should carry two persons and a reasonable quantity of luggage; and that when there were more than two persons and more luggage than could be carried inside the carriage, a charge of 6*d.* additional for the whole hiring, and of 2*d.* for every packet carried outside should be exigible from the hirer. [Lord LYNDHURST: How do you define a "reasonable amount of luggage?"] He admitted that it might be difficult to say what constituted "a reasonable amount of luggage," but in case of disputes it must be left to the decision of a magistrate. With a view to the better security of the public against imposition, it was provided that at every stand for hackney carriages a large board should be erected, upon which there should be inscribed the amount of fares between such stand and the principal places in the metropolis. It was likewise provided that every driver should have in his possession a book of fares, which it would be his duty to produce when required for the information of the hirer; and that, besides, there should be a table of fares, according to distance and time, distinctly painted both on the inside and outside of each carriage. There was also a provision which required that the driver should carry all property which he should find in his carriage to the police office; that the Commissioners of Police should advertise the same; and that if an owner was not found within one year, it should then be sold and due compensation made to the driver, but that the driver should not be entitled to receive the whole amount. These were the principal provisions of the Bill. There were, however, one or two additional clauses to which he should ask the concurrence of their Lordships, and which he apprehended they would not refuse. One was a clause requiring that omnibuses should carry a light after dusk; and another had for its object to put down the monster grievance of advertising vans, which at present encumbered the streets, and offered the greatest obstruction to the passage of the wayfarer. He trusted that the measure, as a whole, would improve the accommodation afforded to the public, diminish the expense, and provide greater security and certainty than was at present enjoyed. The sum which was at present expended by the public upon hackney carriage fares amounted to 360,000*l.* a year; and, as the fares were to be reduced from 8*d.* to 6*d.*, there would be an annual saving to the public of no less than 90,000*l.*, while at the same time the hackney carriage proprietors would not be injured, because he calculated that a very large increase in the use of these vehicles would take place when the prices were reduced, and persons were no longer deterred from availing themselves of them by the uncertainty of the charges and the apprehension of incivility and ill-treatment if they did not comply with the demands of the driver.

Bill read 2ª.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, June 9, 1853.

MINUTES.] NEW WRIT.—For Clare, *v.* Sir John Forster Fitzgerald, and Cornelius O'Brien, Esq., void Election.

PUBLIC BILLS.—1° Government of India; Public Works Loan; Savings Banks; Savings Banks Annuities.

3° Copyholds.

CLARE ELECTION COMMITTEE.

MR. MILES appeared at the bar, and reported that the Select Committee appointed to inquire into the petition complaining of an undue return for the county of Clare had come to the following decision:—

> "That Sir John Forster Fitzgerald and Cornelius O'Brien, esquire, are not duly elected Knights of the Shire to serve in this present Parliament for the County of Clare.
>
> "That the last Election for the County of Clare is a void Election."

And the said Determinations were ordered to be entered in the Journals of this House.

House further informed, that the Committee had agreed to the following Resolutions:—

> "That a system of intimidation was organised at the late Election for the County of Clare, which resulted in a riot at Six-mile Bridge, deterring voters from exercising their franchise.
>
> "That it appears to the Committee that a mob, professing to be supporters of the Petitioner, created a riot in Kilrush, but that it has not been proved before the Committee that any Elector was prevented thereby from exercising his franchise.
>
> "That, from the evidence produced before the Committee, it appears that at the time when the riot took place at Six-mile Bridge, the Reverend John Burke, Roman Catholic Priest, excited the people, and took part himself in the riot.
>
> "That the Reverend Michael Clune, Roman Catholic Priest, excited the people to take part in the riot.
>
> "That there does not appear to have been any general undue interference on the part of the Roman Catholic Clergy at the late Election for the County of Clare.
>
> "That it appears to the Committee that Sir John Forster Fitzgerald and Cornelius O'Brien, esquire, did not in any way encourage or were cognizant of the riotous proceedings."

MR. J. FITZGERALD moved that a new writ should be issued for the county of Clare.

MR. MULLINGS said, he wished to inquire whether seven days' notice of this Motion ought not to be given?

MR. MILES said, that the feeling of the Committee was that there was no reason why the writ should not issue; but at the same time he thought it might be better that the House should have time to be put in possession of the evidence collected by the Committee before it should issue.

MR. FITZSTEPHEN FRENCH said, he thought some fixed rule should be laid down with regard to the issuing of writs in cases of this kind.

MR. WARNER said, as a Member of the Select Committee, he concurred in the view expressed by the Chairman (Mr. Miles) that in such an extraordinary case it was desirable that the House should have an opportunity of reading the evidence before issuing the writ.

MR. BOUVERIE said, it was a matter of constitutional right that the writ should issue unless there was some Resolution of that House to the contrary. If bribery had been proved, seven days' notice must be given before the writ could issue; but nothing of that kind was alleged here.

MR. SPEAKER read the Order of the House, which provided that where any seat had been rendered void by reason of bribery or treating, no Motion for the issuing of a new writ could be made unless seven days' previous notice had been given. Neither bribery nor treating had been proved in this instance.

MR. J. FITZGERALD said, he thought it desirable that the Clare election should take place before the county assizes, which were to be held towards the close of the present month. If the election and the assizes came together, there might be the danger of a collision.

MR. MILES said, that he had no desire to press his objection.

New Writ *ordered.*

DURHAM ELECTION COMMITTEE.

MR. BRAMSTON appeared at the bar, and reported to the House that the Durham Election Committee had decided—

> "That Lord Adolphus Vane is not duly elected a Citizen to serve in this present Parliament for the City of Durham.
>
> "That the last Election for the said City is a void Election."

And the said Determinations were ordered to be entered in the Journals of this House.

House further informed, that the Committee had agreed to the following Resolutions:—

> "That Lord Adolphus Vane was, by his agents, guilty of bribery at the last Election.
>
> "That it was proved to the Committee, that John Nicholson Atkinson was bribed by the payment of five pounds, but that it was not proved that such bribery was committed with the knowledge or consent of the Sitting Member."

INDIAN DESPATCHES.

MR. HUME said, he wished to ask the right hon. President of the Board of Control a question. In his speech the other night the right hon. Gentleman alluded to a despatch which he had received from Lord Dalhousie as a ground for inducing the Government to bring forward their Bill at the present time. Had the right hon. Gentleman any objection to lay that despatch before the House? He would also ask if the right hon. Gentleman would lay on the table the correspondence between the Government and the Board of Directors, which he understood the Directors were printing, and which ought to be produced for the information of the House?

SIR CHARLES WOOD said, that, in reply to his hon. Friend's questions, he had to say, in the first place, that he had certainly stated what Lord Dalhousie's opinion was, but that he did not state it was contained in a public despatch; on the contrary, the opinion to which he referred was not in a public despatch, and therefore he could not lay it on the table of the House. As to the other correspondence, it could be produced, if thought necessary.

MR. HUME said, he would submit to the House, that if a Minister in his place in Parliament made use of the authority of a public officer as the ground of a proceeding, he was bound to produce it; and he submitted, further, that they had a right to expect that should be done.

LORD JOHN RUSSELL said, it was quite contrary to practice that Government should lay on the table private and unofficial communications. The statement referred to was not a public document, and could not, therefore, be produced to the House.

MR. HUME: But it was on this authority the right hon. Gentleman took the course of introducing this Bill.

GOVERNMENT OF INDIA—ADJOURNED DEBATE.

Order read for resuming adjourned Debate on Question [3d June], "That leave be given to bring in a Bill to provide for the Government of India."

Question again proposed.

Debate *resumed.*

MR. BLACKETT said, that he felt the disadvantage of following on this occasion the able speech of the hon. Baronet the Member for Honiton (Sir J. W. Hogg), who had accurately described the position of several hon. Members, when he said they had parcelled out among themselves the various counts of the indictment against the East India Company; though he must say that, able as that speech unquestionably was, it had entirely failed to shake the case against the Company which had been made by the hon. Member for Manchester (Mr. Bright), and for Tavistock (Mr. Phillimore). He quite coincided, indeed, in one feeling which was expressed by the hon. Baronet towards the close of his speech—the desire that every possible information should be furnished to the public in connexion with the affairs of India. Having expressed that wish, he (Mr. Blackett) hoped the hon. Baronet would join with him in urging the strong complaints which, he thought, they had a right to make with respect to the very meagre information which Her Majesty's Government had laid before them. The 114th clause of the East India Company's Charter Act provided that the Indian accounts should be laid before Parliament within the first fourteen sitting days after the 1st of May. His hon. Friend the Secretary for the Treasury (Mr. Wilson), however, told him a few nights ago that for many years it had been found impossible to comply with that provision: that was, he admitted that for many years the East India Company had been in the habit of deliberately violating this Act—

SIR CHARLES WOOD remarked that

these accounts had been laid upon the table in the present year within the prescribed time.

Mr. BLACKETT said, that he had then great fault to find with his hon. Friend the Secretary for the Treasury, who told him that it was impossible to comply with the provisions of the Charter Act. The hon. Baronet (Sir J. W. Hogg) disclaimed any wish on the part of the East India Company to keep back accounts or documents; but it was nevertheless a fact that certain accounts for the year 1852, to which Mr. Kaye had had access whilst writing his book, had not been laid on the table; and he thought they had a right to complain that the information which was given to the advocate of the Company, was not furnished to the House. Judging, however, from the documents which had been given to Members, the hon. Member for Manchester had not had much encouragement to proceed with his inquiries. It required much charity to suppose that the obscurity and mystification of the voluminous appendix to the second Report was quite unintentional. At page 320, Appendix 2, of the Commons Report of 1852, they had what purported to be the cost of the Indian home establishment. There were eight columns of figures, not one of them added up; the reason for which omission became very plain when they found that the total was 189,477*l.* 7*s.* 3*d.* From page 320 they must go back to page 294 to find the contingent expenses, law charges, and salaries of directors. Then they must go forwards to page 344 for the expenses of the India Board, and to 431 for the item of 4,039*l.* for house dinners and entertainments. He was not surprised to find this item in such well-chosen obscurity. At page 343 they were promised, according to the index, a statement of Natives as distinguished from the Indo-Britons in the Company's service, but no statement at all of Indo-Britons was given. At page 376 they had what purported to be a classified statement of local officers, covenanted and uncovenanted, in the North-west provinces; they had three tables, and only in the first of them was any distinction attempted; and, as to their salaries, the matter was kept secret by the ingenious device of giving no initial letters significant of the coin to which the numeral referred, till the mention of rupees at the foot of the page let them see that this highly satisfactory account had been kept in two separate currencies. No statement was anywhere given of the number and pay of the covenanted service. The House would admit that was not very satisfactory. His main objection to the Bill which the right hon. Baronet (Sir C. Wood) had asked leave to introduce, rested upon the strong opinion which he entertained against the East India Company being in any degree retained as an organ for the administration of the affairs of India; and he freely admitted that no objection of a less vital character would have justified the House in the very unusual course of debating a Motion for leave to introduce a Bill. He had listened attentively to the speeches of the right hon. Baronet (Sir C. Wood), and of the hon. Baronet the Member for Honiton (Sir J. W. Hogg), in the hope of learning from them what extraordinary familiarity with the affairs of India the present Parliament was supposed to possess over those which preceded it, that it should be able to legislate upon them without being in possession of that information which every former Parliament had thought necessary. A Committee of that House was appointed as early as 1808, in anticipation of the renewal of the Charter Act, which was to take place in 1813; and in February, 1830, the same course was pursued in anticipation of the renewal in 1833; but, in the present instance, the Committee of each House of Parliament was only nominated in the May of last year, and he confessed he did not know what peculiar resources they possessed to perform a task for which former Parliaments thought five years' and three years' previous inquiry not too much. He was, indeed, well aware of the difficulty into which the Government were driven by the expiration of the Charter Act next April; but he must take leave to remind the House on whose shoulders the blame of this rested:—this difficulty would not have arisen had Sir John Hobhouse, who was President of the Board of Control in 1851, complied with the suggestion of the noble Lord the Member for King's Lynn (Lord Jocelyn), to appoint these Committees in the spring of that year. Sir John Hobhouse stated that he contemplated no change; but the political vicissitudes which had since occurred might have satisfied him that change did not depend solely on his will. He could not leave this part of the subject without noticing the point which had been urged at the beginning of the Session by the noble Lord the Member for the City of London (Lord John Russell), and which had been since repeated by the President of the Board of

Control (Sir Charles Wood), and the hon. Baronet the Member for Honiton (Sir J. W. Hogg), with respect to the great danger that would arise from leaving this question open to agitation, as tending to shake the Company in the eyes of the Natives. He did not see how there would be a greater danger of agitation if they passed a continuance Bill for two or three years, than if they passed this Bill, which Parliament, if it pleased, might alter and remodel next Session. The right hon. Baronet said, indeed, it would shake what he called the "superstitious reverence" which the Natives entertained for the permanence of the English Government in India. After the answer of the right hon. Baronet the President of the Board of Control that night, that he would not lay on the table the information given to him by Lord Dalhousie, it was impossible for the House to calculate the extent of that danger; but he could refer to such authorities as they had, and he asked the right hon. Baronet if much longer deliberations than any which the opponents of this measure now asked for had not frequently taken place on Indian subjects, and that, too, at times when our empire was much more insecure than at present, without the least shock being given to the stability of our rule over that great continent? If the right hon. Baronet would turn to the renewal of the Charter in 1793, and take the years preceding, he would find they had had a Committee on the subject in 1781, Dundas's Bill in 1782, Fox's Bill in 1783, Pitt's Bill in 1784, a Bill to amend Pitt's Bill in 1786, the famous Declaratory Act in 1788, till the Charter was renewed, with, he was proud to say, the opposition of the whole Whig party in 1793. We occupied barely one-sixth of the territory now under our control; the whole strength of the Mahratta empire was watching its opportunity; the Nizam, with a well-officered and well-equipped army, was on one side of us; and Tippoo Saib, with all the power inherited from his father, Hyder Ali, was ready to pounce upon us on the other; and yet there was not the least feeling of fear for our Indian empire. On the next occasion, when the subject was under discussion—previous to the renewal of the Charter in 1813—they had had a stormy and turbulent deliberation of no less a period than three years in a time of no ordinary moment. The French were seeking to recover their supremacy in India. We had to deal with the gathering germs which afterwards produced the wars with the Mahrattas, the Pindarees, and the Nepaulese; and yet not a finger was raised against our empire in consequence of these debates. Next time—in 1833—we undertook changes greater than any made before, both in the character and position of the Company; we threw open the trade to China, and transformed the entire character of the East India Company—in fact, it was impossible to do anything more likely to excite suspicion in India that we were going to overthrow the Company. At that time there were hostile tribes dwelling in the Punjaub and the Indus; we had also the Russian intrigues, which, whatever they might think of it now, were then considered sufficient to justify the war with Affghanistan; yet no convulsion took place. Only let the House contrast these periods with the circumstances in which the House had now to deal with this question. It was the first and only occasion in which they had not an enemy in India. From the Himalayas to the sea, India was enclosed in the ring fence of our power, and the magnificent hyperbole of Burke was now but the expression of a literal fact, "that there is not a peasant in the whole Peninsula who eats his rice without the leave of the East India Company." The chieftains of Poonah, who once would have leaped into the saddle at the head of their bands of freebooters to avenge any imaginary insult we might have offered to them, had now fallen into the practices of constitutional governments, and were absolutely presenting their humble petitions to this House. Well, the greater the security and peace which existed throughout India at this moment, the greater the responsibility which rested upon this Government for approaching the consideration of the future government of India with due calmness and after due deliberation. The hon. Baronet the Member for Honiton (Sir J. W. Hogg) had made a great impression on the House by his statement of the valuable exertions of the East India Company and their gallant officers in subduing savage tribes and spreading civilisation in India. He listened to that statement with the greatest respect and attention; but it only proved on the part of the East India Company what might be proved on the part of the most selfish and cruel rulers of ancient and modern times. The most barbarous buccaneer that ever cleared a jungle could boast that he had (because he found it to his interest) drained swamps and exterminated noxious animals. The same might have been the vaunt of the worst Governments in modern Europe—the government of Louis XV., in France, of George III., in America, and of Metternich, in Austria. The hon. Baronet had prided himself in referring to the illustrious names of our Indian generals, and the brilliant stories of their victories. No doubt there was everything in these eulogies to admit and to admire. There was no story more stirring than the tragic fate of Sir W. Macnaghten; there were no achievements more chivalrous than those of Colonel Outram. But all this only proved that the worst possible system of patronage could not spoil or enfeeble our English race. It was not owing to the East India Company—it was in spite of the Company, that these great deeds had been accomplished. But even admitting the whole of the results claimed by the hon. Baronet, they were not results due exclusively to the East India Company—they were rather due to the East India Government. The hon. Baronet said that the system of double government in India was now on its trial; but he (Mr. Blackett) thought it was more accurate to say that the East India Company was on its trial; and, in his opinion, whether the Government of India were single or double, the East India Company was not fitted to form any part of it. The only way in which it was possible to test the efficiency of the East India Company, was by looking at its management of that department which exclusively belonged to it—the disposition of patronage—and to that point he proposed to confine his remarks; with the exception of a brief notice of two other points—the general state of the Indian revenue, and the abolition of the transit duties in Bengal, which the President of the Board of Control had selected as a matter for special eulogy of the Company. The hon. Baronet the Member for Honiton (Sir J. W. Hogg), in the commencement of his statement with respect to Indian revenue, in which he must admit he had produced a picture which told powerfully upon the House, had spoken of the great increase in our territory since the last Charter Act. Now, at page 330 in the Appendix to the Report of the House of Commons Committee of 1852, there was a statement of the revenue and civil charges of the territories and tributaries acquired since the 1st of May, 1834, which would show how much reason we had to congratulate ourselves on this head. From this it appeared that the revenue of the Punjaub was 1,200,000*l.*, and the civil charges of that territory 900,000*l.*; while in Scinde the revenue was 260,000*l.*, and the civil charges 460,000*l.* Then came the State of Sattara, which had been obtained, he thought, by most iniquitous means, and there the revenue amounted to 195,000*l.*, while the civil charges—and he thought it served us quite right that we had got a bad bargain—amounted to 210,000*l.* [Mr. MANGLES: These figures are erroneous.] Then that showed how little the East India Company's statements were to be relied upon, for the figures were all extracted from the statements they had laid before the Committee. The total revenue of these three conquered territories was thus 1,655,000*l.*, while the civil charges amounted to 1,570,000*l.*, leaving a balance of 85,000*l.* to set off against the cost of conquest and permanent military charges. What a state of things was this! As to the salt duties, which had been alluded to by the hon. Baronet as a proof of the progress of the people, so far from increasing, he believed that, although they undoubtedly yielded a larger sum in 1852 than in 1833, yet, if a comparative average of two periods of four years each were taken, they would be found to be on the decline. Taking the average of the four years ending 1847-48, these duties amounted to 1,587,845*l.*, while the average revenue derived from them in the four years ending 1852-53 was only 1,366,312*l.*; showing a falling off of 221,553*l.* per annum. Next he came to the statement of the hon. Baronet respecting the great increase which he alleged had taken place in the exports and imports of India. As to the exports, he had not a word to say in contradiction of his statement; but, with regard to the imports, taking the last two periods of four years each, he found from a paper in the Appendix to the Report of the Commons Committee, that in the four years ending 1845-46 the average imports into India from the United Kingdom and elsewhere amounted to 12,637,000*l.* per annum, while in the four years ending 1849-50 they only averaged 12,163,000*l.*, showing a decline of 463,000*l.* a year. With regard to the general state of the Indian revenue, taking the two terms of 1833-34 and 1849-50, the accounts of the latter term being more convenient for reference, and more intelligibly and fully given than those of 1850-51, he found that the total net produce of the revenues of India in the first period was 13,765,425*l.*, and in the second period

19,576,089*l.*, showing in the intervening period very nearly an increase of 6,000,000*l.*, or, in exact numbers, of 5,811,664*l.* But how was this increase made up? It was made up of 2,581,000*l.* from opium—the precarious character of which the hon. Baronet himself admitted; of 710,000*l.* upon salt; of 101,845*l.* upon tribute money, which could not be calculated upon as an ordinary branch of revenue; of 100,000*l.* upon stamp duties; and of 2,445,000*l.* upon land revenue. From this there must be deducted a falling off in the Customs duties amounting to 120,000*l.* Would the House believe that the cost of collecting this 19,576,089*l.* amounted to the enormous sum of 5,810,664*l.*, being 25 per cent on the net total? As he had just stated, the hon. Baronet (Sir J. W. Hogg) himself admitted the unsatisfactory state of the opium question; and, with regard to the small increase on stamps, what did Mr. Prinsep say on the subject of this tax? He stated that it was a tax on exhibits, petitions, and witnesses—a tax on law proceedings—and that it was wholly of European origin, nothing of the kind having existed under any native Government. After opium the main article of increase was that of land revenue; and was that the result of improved management, or did it arise merely from confiscations and an increase of territory—an extension in the area of taxation? Upon the answer to that question the whole merit of such an increase depended, as showing the excellence of the present system of Indian administration. Mr. Prinsep stated that not less than 1,500,000*l.* of that sum arose from fresh territory, and that 500,000*l.* more was the result of resumptions or confiscations in Bengal alone. Then looking into the accounts, they found 211,367*l.* included under land revenue, which should in fact have been placed under the head of tribute—from Nagpoor, 60,000*l.*; from Rajpootama, 127,999*l.*; and from Cutch, 23,368*l.*—in addition to the 101,000*l.* he had just quoted under this head; and the result of all this stood thus: Total increase in land revenue, 2,445,720*l.*; of which new States contributed 1,500,000*l.*, the resumptions in Bengal made up another 500,000*l.*, and tribute money from the States he had mentioned 211,367*l.*; making altogether a total of 2,211,000*l.* This left little more than 200,000*l.* out of the 5,000,000*l.* or 6,000,000*l.* increased revenue which could be set down as the results of good management and improvements, including the unexplained and indefinite items for resumptions elsewhere than in Bengal, and without, as the hon. Member for Manchester (Mr. Bright) had suggested, making any allowance for the enormous increase of population. He noticed among the statistics given in the Appendix a statement of the arrears of land tax, from which it appeared that in the sixteen years from 1834 to 1849 inclusive (the account not being completely made up for 1850), these arrears amounted to no less a sum than 60,191,167*l.*; there was then an amount greater than the entire annual revenue of Great Britain included under the head of uncollected arrears within the period mentioned. Surely this must be some tremendous blunder; and yet, although it had been noticed by the hon. Member for Leominster (Mr. J. G. Phillimore), the hon. Baronet had given no reply upon this point. He came now to another subject to which he wished to call the attention of the House, because it had been alluded to by the right hon. Gentleman the President of the Board of Control as showing the excellent administration of the East India Company—he meant the transit duties. He (Mr. Blackett) confessed he was astonished at the tranquillity—to use no stronger term—with which the right hon. Gentleman had permitted himself to quote this as an instance of the Company's wise and beneficent administration; because if there was anything more than another which showed how the Government of the bureaucracy in Leadenhall Street had been the means of paralysing and preventing the execution of the liberal intentions of the Board of Control, it was the history of these transit duties. The right hon. Gentleman told the House that the transit duties had been abolished by the East India Company, but he quite forgot to state that first of all they had been imposed by that Company. The Indian transit duties were probably the most detestable arrangements that ever disgraced the dominions of what called itself a civilised Government. Under the native princes tolls were levied on every act of transport, and the country was consequently studded with these tollhouses. In 1788 they were abolished by Lord Cornwallis; but it pleased the Company to re-establish them in 1801. These transit duties were collected at a series of tollbars stretching all over India, which were appropriately denominated "chokeys;" and the effect of them might be estimated from the fact that Sir Charles Trevelyan had stated that no less than sixty of them existed in a circuit of twenty miles around Calcutta, and the expense amounted to a sum of from 600,000*l.* to 800,000*l.* annually. In 1808 the Indian Government appointed a Committee to revise the duties, and they recommended their "consolidation"—that is to say, supposing that an article would have been chargeable with 1*l.* duty when it got to the end of 100 miles, it was now to be charged with 1*l.* at starting, no matter how small a distance it was to be conveyed. With inconceivable perversity, the Committee retained the main grievance, and provided that the various tollhouses should still be kept up, and a search instituted at each to see if the goods corresponded with the rowannah or certificate given by the custom-house at starting. In 1825 this system was brought before the Court of Directors by Mr. Holt Mackenzie, who expressed a strong condemnation of these duties, and urged their abolition at once. The Directors condemned the system very decidedly, but still nothing was done. In 1833, Sir Charles Trevelyan issued his celebrated report on this subject, in which he declared that it was impossible to conceive the extortion, pillage, and misery consequent on this system, the terror inspired by the custom-house officers, the insults offered to merchants and women by them, and the general corruption consequent on the necessity of bribing these miscreants. To show the then existing state of things, he alluded to the fact before mentioned, that in a circuit of twenty miles around Calcutta there were no fewer than sixty tollbars; and the mere direct outlay Sir Charles Trevelyan estimated at from 600,000*l.* to 800,000*l.* For a year, however, in spite of all this, nothing was done. In March, 1834, however, Lord Ellenborough was most fortunately at the Board of Control, and his Lordship wrote a masterly letter, urging the Directors to take steps for carrying out the recommendations contained in Sir Charles Trevelyan's report. The Directors sent back word that they preferred leaving the matter to the Governor General of India; and this drew forth a short and sharp missive, with the signature of Mr. Sidney Herbert, then Secretary of the Board of Control, now Secretary at War, peremptorily desiring the Board to direct the Governor General to take measures for abolishing these duties. In the meantime Mr. Ross, a well-known civil servant of the Company, who happened to be Lieutenant Governor of the North-west Provinces, had taken upon himself, of his own mere motion, to abolish these tolls in his own government; and in consequence, Sir Charles Metcalfe, then acting as Governor General before the arrival of Lord Auckland, very strongly rebuked Mr. Ross for his presumption, but said he had no alternative but to follow his example, and abolish them in Bengal. The Court of Directors were very angry, but the work was done, and there was no help for it. In spite of all this, however, he found that the transit duties were not abolished in Bombay until 1839, nor in Madras till 1845; and yet the right hon. Gentleman at the head of the Board of Control could quote this as a signal example of good government on the part of the Company. He asked how the House could sufficiently condemn the machinery of a Government which did not abolish so frightful a nuisance till twenty years after it had been pointed out by Mr. Mackenzie, and then took four additional years to abolish it in Bombay, and ten additional years in Madras. The evil was greater than any which Turgot had to deal with in France, and which tasked the genius of Alberoni in Spain; and yet the Court of Directors succeeded for that length of time by mere *vis inertiæ* in thwarting a reform dictated by the statesmanlike liberality of Lord Ellenborough and Mr. Sidney Herbert; and it was very doubtful if it would have been achieved to this day but for the fortunate insubordination of a self-willed and refractory official. His great ground of objection to the East India Company was, that the direction of our Indian empire was vested in the hands of a private corporation, which had no more interest in the affairs of that empire than the Great Western Railway Company had. The right hon. Gentleman the President of the Board of Control declared that our Indian empire was an anomaly; but he (Mr. Blackett) denied that it was so unprecedented a case as to be removed from the ordinary rule of political experience. He feared the confession that the present system was an anomaly, was only a confession of cowardice in refusing to grapple thoroughly with the subject; and the right hon. Gentleman, when he made this avowal, only showed, not, indeed, his incompetence, but, at any rate, his reluctance, to rise to the height of the argument, and his indisposition to grapple with the subject as boldly as it required. If there was an anomaly anywhere, it lay at our own doors, and was to be found in our determination to govern 150,000,000 of Asiatics by a handful of officials, and to persist in administering the affairs of a great empire by the machinery of a joint-stock company. But the greatest anomaly of that government was displayed by the right hon. Gentleman (Sir C. Wood), who could discourse for five hours on a theme that was calculated to swell the heart with the strongest emotions, and coolly tell them at the close that they were going on as well there as they could possibly wish. The speech of the right hon. Baronet was filled with details respecting the good administration of the Company, and with lavish praises of the Directors; but the Directors would prefer a little solid pudding to all this empty praise. The right hon. Baronet had failed to discover any signs of the love and affection which he professed for the Indian Government. He said the Government was working well, but still he proposed to introduce six nominees in that Government. He expressed his approval of the Directors, yet he asked the House to suppress one-half of their number. If there was a statesman who entertained a great dislike for the East India Company, but was restrained by salutary fears from openly attacking it—"willing to wound, but yet afraid to strike"—he could not introduce a measure that was more calculated to unsettle the foundation of that Government. If he had the felicity to agree with the right hon. Gentleman the President of the Board of Control in the opinion he entertained respecting the Company, he had also the felicity to agree with the Company in its opinion of the Board of Control. They had heard the speech of the hon. Baronet the Member for Honiton, and they had never heard a fuller or more able statement; but he did not say one word in praise of any single alteration that had been recommended by the President of the Board of Control. He did not express any very hearty welcome for the six Government gentlemen who were to be invited to join them, or for the change that would take all the civil patronage from them; he did not express his intention to share in the great suttee which the President of the Board of Control had invited the Directors to celebrate in Leadenhall Street, or offer his thanks for the 4*l.* a week which the right hon. Baronet coolly offered him in return for his patronage. Taking the measure of the President of the Board of Control, and the speech of the hon. Baronet the Member for Honiton, he could not think the two parts of the double government would go on happily together. He agreed with the President of the Board of Control that the Company had too much power; and he said so from the way they had exercised their absolute and undivided power in the department of patronage. He could not help thinking that the hon. Baronet's opinion of the East India Company was, at the bottom, very much the same as his own. On the other hand, he had observed that the hon. Baronet (Sir J. W. Hogg) had not said one word in praise of the Government Bill, and that he did not admit the propriety of one single alteration recommended by the right hon. Gentleman. Now, first, he wished to say a few words as to the constitution of the Board of Directors, who exercised this patronage. If four gentlemen could be pointed out, who, by their eminent services in India, and their high character, were qualified to fill the post of East India Directors with honour, they were Mr. Willoughby, who had been a member of their Council in Bengal; Sir H. Maddock, the hon. Member for Rochester, who had been Deputy Governor of Bengal, and President of the Council; Mr. Millet, who had been a member of the Law Commission and of the Supreme Council; and Mr. Wilberforce Bird, who had been a member of the Supreme Council, five times Deputy Governor of Bengal, and once Governor General. These gentlemen stated before the Select Committee that they would gladly have placed their services at the disposal of the Company, but that they were deterred from soliciting seats in the Direction by the intolerable humiliation of canvassing such a body as the proprietors. At the last election of a Director, it would have been expected that if anything could have induced them to make a change in their system, they would have done so; but at the last election, a few weeks ago, Mr. Carnac Morris, an East Indian civil servant of thirty years' standing, was rejected in favour of an hon. friend of his (Mr. Blackett), of whom he would be the last person to say anything unkind or disrespectful; but it must be allowed that the result of that election was calculated to show that official services were not a great recommendation to the favour of the proprietors. Great expectations were held out when the last Charter was granted as to the mode in which the Indian civil service would be administered. Mr. Macaulay, in 1833, said—

> "One word as to the new arrangement which we propose with respect to patronage. It is intended to introduce the principle of competition in the disposal of writerships, and from this change I cannot but anticipate the happiest results. . . . It is proposed that for every vacancy in the civil service four candidates shall be named, and the best candidate be selected by examination. We conceive that under this system the persons sent out will be young men above par—young men superior either in talents or in diligence to the mass."—[3 *Hansard*, xix. 524-25.]

He would say nothing respecting the talents or intelligence of the young men that had been sent out, but he would ask, did the House know how the clause on that subject in the Act of Parliament had been carried out? It was deliberately violated year after year for four years; and at length, in 1837, a short Bill was smuggled through Parliament, permitting the Directors to suspend the provisions which they had broken up to that time whenever they found it convenient. It was mainly on the faith of that provision that the Company had obtained a renewal of the last Charter; and it was rumoured, in reference to this important provision and its repeal, that not one single scrap of correspondence existed between the Board of Control and the India House, and it was said that the matter was arranged by private conversation between the Chairman of the East India Company and the President of the Board of Control. The most important point with regard to the exercise of patronage had reference to the promotion of the native Indians. For the purpose of showing the description of office to which the Directors were pledged to introduce Natives of India, he would read an extract from a statement made by the right hon. Gentleman the Member for Edinburgh (Mr. Macaulay). That right hon. Gentleman said, in 1833—

> "There is one part of the Bill on which I feel myself irresistibly compelled to say a few words. I allude to that wise, that beneficent, that noble clause, which enacts that no native of our Indian empire shall, by reason of his colour, his descent, or his religion, be incapable of holding office. At the risk of being called by that nickname which is regarded as being the most opprobrious of all nicknames by men of selfish hearts and contracted minds—at the risk of being called a philosopher—I must say, that to the last day of my life I shall be proud of having been one of those who have assisted in the framing of the Bill which contains that clause. We are told that the time can never come when the natives of India can be admitted to high civil and military office. We are told that we are bound to confer on our subjects—every benefit which they are capable of enjoying? no—which it is in our power to confer upon them? no—but which we can confer upon them without hazard to our own domination. Against that proposition I solemnly protest, as inconsistent with sound policy and sound morality. . . . . Are we to keep the people of India ignorant in order that we may keep them submissive? or do we think that we can give them knowledge without awakening ambition? or do we mean to awaken ambition, and to provide it with no legitimate vent? Who will answer any of these questions in the affirmative? Yet one of them must be answered in the affirmative by every one who thinks that we ought permanently to exclude the natives of India from high office."—[3 *Hansard*, xix. 534-35-36.]

—Not from subordinate office, but from high office; and he believed that Lord Glenelg, in answer to a question put to him, stated that there was nothing in the clause alluded to by Mr. Macaulay to prevent a native of India from being made a member of the Supreme Council. Of course he (Mr. Blackett) did not say that Lord Glenelg pledged himself to appoint them to such offices; but the answer given by him showed the spirit in which the House of Commons expected the Court of Directors would act upon that clause. The hon. Baronet the Member for Honiton had charged his hon. Friend with stating that no native of India had ever been made a judge; but he misunderstood his hon. Friend, for no man in his senses could say that: the question was what kind of judge he was made, and the hon. Baronet had evaded the charges which his hon. Friend made on that point. They were told that 96 per cent of the cases were disposed of by native judges, and that was true; and in the debate in 1851 the hon. Baronet had expressed his pride and satisfaction on the subject; and his pride and satisfaction would be indefinitely increased when he heard the quotation he was about to make from the statement of Colonel Sykes. Colonel Sykes had drawn up a paper on the administration of justice by English and natives, from which it appeared that in the Presidency of Bombay, from 1845 to 1848, the total number of cases decided were 366,968, of which 6½ per cent were decided by European judges, and 93½ by native judges. Of these no less than 66·3 per cent of the decisions of the European judges were reversed on appeal, and only 5·4 per cent of those of the native judges. In the North-western provinces the total number of cases was 431,679. The European judges did 5½ per cent of the work, and the natives 94·14; of these there were reversed on appeal from the European judges 79 per cent of the cases appealed against, and from the native judges 27·2 per cent. With regard to the remuneration of the covenanted and uncovenanted service, he found in the appendix to a report of the House of Commons a statement that in all India only 216 natives held office of a value exceeding 360*l.* a year, while in the single province of Bengal, it was stated by Mr. Sullivan, a gentleman of the highest probity, that 327 Europeans held offices varying in value from 600*l.* to 25,000*l.* a year. Mr. Cameron, in his great work on India, speaking of Clause 87 of the Charter Act, said—

> "The present Charter Act has now been in force for 16 years, or four-fifths of its term, and no single native of India has been appointed to any of the covenanted services; the consequence is that the promise of the Charter Act is regarded by the natives of India as a mockery. It was not so intended by those who framed the Act."

It should be recollected that that was not his (Mr. Blackett's) language, and that it was not young India declamation, but the opinion of a man who knew India well, and had known it long. The hon. Baronet said that even though they should admit them to the civil service, they should exclude them from the military service; but great masters of the art of war, like the Duke of Wellington and Sir Charles Napier, held the contrary opinion, and Sir C. Napier liberally promoted Beloochee gentleman to the command of native corps of cavalry, in which he confessed one of his greatest securities rested. But the civil and military services were not the only branches of the covenanted service of India to which the natives wished to obtain access. In 1844 Dwarkanauth Tagore sent over some native young men of ability to be educated in England, so that they might be competent to hold office in India. One of them, Mr. (afterwards Dr.) Chuckerbutty, attained the highest distinction as a medical student in this country; and Mr. Cameron and Sir E. Ryan addressed a letter to the Court of Directors requesting them to nominate him to a situation in the covenanted medical service. One might have supposed, remembering the liberal views of Parliament on this subject, that the Directors would have gladly availed themselves of this loophole to show the natives of India that they were not permanently excluded from office, when no serious inconvenience could be expected to result from their appointment. The Court of Directors evaded giving a reply to the application to appoint Dr. Chuckerbutty to the covenanted service; but they sent back word that they had appointed him to a situation of equal if not superior value in the uncovenanted service—showing that nothing but the direct compulsion of Parliament could force them to carry out the solemn trust that had been reposed in them. They were told, as a justification of this conduct, that, after all, the main body of the people was happy, and that it was only the native gentlemen who were excluded from office; but that was exactly the sort of argument which they repeatedly heard when the Catholic disabilities were discussed. The case of a gentleman in Calcutta had been cited, who was disliked by his countrymen because he was selected as the recipient of English patronage. He knew nothing of this unfortunate case of the gentleman in Calcutta—he could not say if he had any scruples to swallow, or antecedents to efface; but he understood that some of the Irish officials were not very popular with their own countrymen, and he did not expect to hear such a circumstance quoted as a reason for excluding Catholics from office. If the people were happy under the Government of India, it would be no reason for excluding the higher classes from office; but he denied they were perfectly happy. The lower classes of Hindoos certainly enjoyed the blessings of equal justice, as between them and the superiors of their own class in the English provinces, and escaped the barbarous mutilations to which they might have been exposed by the Mahomedan law; but he believed the English civil law was at present as vexatious in India, on account of its delays, as it was at the time of Warren Hastings. It had been said that the natives of India enjoyed the blessing of being under the protection of English law; but was it no drawback that that law was administered by people differing from them in feeling and in custom? There was more similarity of habit between the Frenchman and the Englishman than between the Englishman and the Hindoo, and the *Code Napoleon* was in many respects more simple than the English law; but enjoyment of the blessings of that law would scarcely reconcile Englishmen to a Frenchman's rule. We were charged to form India after our own image; and surely we might think of training up the native youth to something like that spirit of emulation which animated our own Englishmen. But the natives of India had been led to consider themselves excluded from any practical share in the government of the country, and instead of having been trained up to emulate and compete with the Europeans, they were naturally induced to regard them with some degree of jealousy. He would read to the House a statement which was made to the Court of Proprietors by Colonel Sykes on the 25th of April, 1849, which would explain partly how such a feeling on the part of the Natives had originated. Colonel Sykes said—

> "I state honestly and sincerely my conviction that it is most dangerous, with reference to our power and even financial prosperity in India, by our constant appropriations and resumptions of enams and rent-free lands, to lead the people at large to fear that we are really only anxious to make a government of officials on the one hand, and a nation of serfs on the other."

Another eminent authority, Sir Thomas Munro, had expressed a similar opinion, and in a letter, bearing date August 12, 1807, he stated that—

> "The strength of the British Government enables it to give to its subjects a degree of protection which those of no native Power enjoy. Its laws and institutions also afford them a security from domestic oppression unknown in those States; but these advantages are dearly bought. They are purchased by the sacrifice of independence, of national character, and of whatever renders a people respectable. The natives of the British provinces may without fear pursue their different occupations and enjoy the fruits of their labour in tranquillity; but none of them can aspire to anything beyond this mere animal state of thriving in peace; none of them can look forward to any share in the legislation or civil or military government of their country. The effect of this state of things is observable in all the British provinces, the inhabitants of which are certainly the most abject race in India. There is, perhaps, no example of any conquest in which the natives have been so completely excluded from all share of the government of their country as in British India."

The point to which he particularly wished to call the attention of the House was the manner in which the East India Company had distributed its patronage, because it had in that respect used its own discretion without any limit or control, and it was upon that alone that it could found any claim for a renewal of the confidence which had been reposed in it. He had, he believed, shown that this vast prerogative had been exercised by the Directors in a manner most calculated to benefit their own family connexions, and least calculated to economise the resources of this country, or to strengthen the attachment of the natives to the English rule. He had shown, first, by the abolition of the clause in the Charter Act which had reference to competition for writerships, and, secondly, by the system of excluding natives from covenanted office, that they had deliberately betrayed the trust reposed in them by the Parliament of 1833, and broken the engagement upon which they permitted the right hon. Gentleman the Member for Edinburgh to ask for a renewal of their last lease of power. He was told the privileges of the Directors were limited by this Bill; but surely it was not enough to withdraw the mere possession of the patronage which they had shown themselves so grossly to have misapplied. Surely it would be intolerable that the administration of the humblest native village should be left to the discretion of men who had shown themselves incapable of distributing a few writerships a year without yielding to such melancholy and humiliating temptations. Those were the main grounds on which he objected to the Bill. He objected to it because it combined the contradictory disadvantages of precipitancy and delay, and because it continued the system of double government, which, under the pretence of multiplying checks, only succeeded in neutralising responsibility; but most of all did he object to it because it continued the East India Company as the prominent organ of the Government of India. And he would say, in conclusion, be the share of influence which that Company might be permitted to retain great or small, he was convinced that its continuance could only tend to retard progress, to foster nepotism, and to impede the elevation of the Indian races into a community of which England and Englishmen could have any reason to be proud.

Mr. T. BARING said, that his excuse for rising to trespass upon the attention of the House would be, that it was his wish not to detain them for any long time; for he felt that he had not the power which the hon. and learned Gentleman opposite (Mr. Blackett) seemed to think requisite to enable one to speak upon such a subject—namely, "to swell the soul, and fire the imagination." As, however, it happened that he occupied the post of Chairman of the Committee which was now sitting upon Indian Affairs, he felt it his duty to offer some observations to the House. In the first place, then, he would state, that though the very last petition presented to that Committee prayed that legislation might be delayed, he himself was most anxious that no such hesitation should take place. He rejoiced, therefore, to see the Bill introduced, although he must confess he had doubts as to the policy of some of its provisions. Those points, however, would undergo discussion at a later stage, when his doubts would either be removed, or be confirmed and strengthened. He certainly admitted that it would have been desirable that the Committee should have been appointed at an earlier period—if it had been nominated the year previously; but still, with regard to the statement, that because a Committee of Inquiry into Indian Affairs was still sitting, that therefore the House of Commons should adjourn the discussion of any Indian question until the report of that Committee should be agreed upon—such a conclusion appeared to him wholly unjustified by the circumstances of the case. There were quite sufficient *data* for the House to go upon in discussing the question of the form of government of India; and the Committee would still continue its inquiries into subjects affecting the administrative departments. Delay in legislation seemed to him unnecessary, because, although the Committee would have to continue its labours, still they were in a position to judge of the general nature of the evidence, and, what was of great importance, of showing to the natives of India the anxiety of the House of Commons to inquire into their condition and situation. The danger of delay did not rest upon any letter of Lord Dalhousie's, but was apparent; for it was evident that if they weakened the power of the present Government by delaying the settlement of this question, by hanging up authority in abeyance as it were, and by advertising that there was going to be a new system, they would excite both Englishmen and Indians to agitate for two or three years, in order to determine the character of that new system, and would thus inflict an injury which no subsequent good government could rectify; for it was, in his mind, impossible to inflict a greater curse upon a country than at one and the same time to denounce its government as bad, and to announce its continuance. The announcement that this country was going to support for three years a government which it allowed to be bad, and was then going to introduce a new form of government, could not fail to produce considerable agitation. It was the duty of this country to provide the best possible government for India, but not to continue for one day longer than was actually necessary a government which had failed in satisfying the expectations which had been formed of it. He could not, then, for these reasons, agree with the opinion that it would be advisable to wait for the report of the Committee, and postpone legislation for India for two or three years. But suppose the government were to be left as at present for three years, what would be the effect upon the existing authorities in India? Would the Governor General take the trouble, or even consider himself justified in making any change, to better a government branded with condemnation? It was sometimes said, why should not nearly everything be endured for the sake of tranquillity in India? But he would ask any hon. Member who entertained such a view, what was the reason of that tranquillity? It was, that from the disposition of the natives of India, and the faithfulness of the 200,000 brave men who served under our banners, there was no danger that any commotion could be apprehended, or, if any such existed, that there could be any fear of checking it; but the House might rely upon it, that because the contentment and fidelity of the people were incontestable, it was no reason why there should be any delay in giving them the best possible government, or for continuing one which was notoriously unfit to rule over the country. Immediate legislation, therefore, appeared to him to be the course that Parliament was in duty and in policy bound to pursue. The hon. Member for Manchester (Mr. Bright) had denied that the British rule in India was an anomaly; but if he had read the whole of the speech from which he quoted, he would have found a long description of anomalies in our proceedings in India. He (Mr. Baring) accepted the illustration. It was perfectly true, as he had stated, that other countries had made conquests; but while the native inhabitants of countries over which other Powers had ruled had become degraded, the natives of India, whatever had been the government, had occupied a position of security and of freedom from intestine dissensions. The hon. Member for Manchester had stated that he had less objection to a double government itself than to the East India Company having any share at all in the government. Well, the institution, he would confess, would not, he believed, have proceeded from Mr. Bentham; but it still had an advantage, and that a great one, which was that of being engrafted in the minds of the people, and of having, in his opinion, saved the native population from all the horrors of international warfare and dissensions, and also from foreign attack. He wished to see the government of India, not in the hands of the Crown, uncontrolled by some independent and differently elected body—not in the hands of the Crown, as we had seen our colonies and other possessions—but he wished to see by the side of the government of the Crown—because no one could imagine that they could separate the general policy of India from that of England—a government so constituted as to be independent of political influences and associations, and which should not earn its position by political services rendered to one Minister or another. He should wish to see such a state of things that the security and the welfare of India should not be secondary objects, as compared with some ephemeral party triumph. With regard to the education of the natives, he was desirous of promoting any system which would encourage education in India, and was prepared to support every act which had that tendency; but he must say that, looking into the vista of futurity, he could see no prospect of the native population ever being fit to exercise a government of their own, which would afford security from dissension at home and from foreign attack, and that on account of their differing among themselves in such a way that the union of the various tribes would seem to be impossible. On the question of the government of India, he would not confide it to any person in the country itself without his being under the immediate control of the Home Government; for if such were the case, the welfare of the natives would, in his opinion, be jeopardised. As a friend to India, he wished to see a form of government established which, while it exercised all the powers of the Crown, would be still advised and controlled, as controlled it would be, by the moral influence of a body of men well informed as to the state of India, independent in their own position, occupying a station in society, and thoroughly acquainted with the subject, which must exert an influence upon any Minister, and check every attempt to make India the means of obtaining a party triumph. He would ask the House to look at the other colonies, such as Ceylon, the Cape of Good Hope, and Australia, and to remember the party struggles which every colonial question had given rise to; and he would express his hope that India might not, in company with them, become a word of challenge to be bandied about from one side of the House to the other. He wished to guard against that. He wished to keep India, because he desired not to see the empire dismembered, the power of England broken, and her influence diminished; for in his heart he believed that our rule tended, not only to the welfare and glory of the British nation, but to the development and expansion of civilisation and freedom throughout the world. Keep India, then—keep it by good government—keep it by guarding it against itself, and those who were dangerous within it. This could be done only by keeping India out of the vortex of party politics, and there were no better means of effecting that object than by governing her by a body acting with the Crown, but whose election was independent of the Crown. He differed in one respect from the hon. Member for Manchester (Mr. Bright); he (Mr. Thomas Baring) believed they could not have a worse Council for India than one composed entirely of men who had spent thirty or forty years of their lives in that part of the world—

MR. BRIGHT explained, that he had said he preferred nominees only without elected members; but that it would be unfortunate to have a Council entirely composed of persons who had resided in India.

MR. T. BARING was glad to find the hon. Member had discovered that bankers and brewers, "and persons of that sort," were not as bad as he had once supposed them to be. It was gratifying to find that the hon. Member agreed with him in thinking there would be no wisdom in forming an administration from one class. Many persons would hesitate before giving in their adhesion to a government of lawyers; exception might even be taken to a mercantile administration; and, with due deference to the hon. Member for Manchester, he must express a doubt whether a cotton-spinners' administration would obtain general confidence. Persons who served in India for a considerable period usually returned with certain fixed ideas. They might have great knowledge of Indian matters, but they lacked the knowledge which was essential in such a council—namely, of English affairs and English feelings—and sound sense, which could be acquired only by contact with English society and bodies of intelligent men in this country. If we were about to constitute the East India Company's electoral body, it, doubtless, would be possible to improve it; but, at any rate, it was not swayed by one political feeling, and was not under the influence of the Crown. The system of canvassing was probably objectionable, and might, perhaps, be discontinued with propriety; but this might be looked upon as certain—that when a man came forward as a candidate for the directorship—however defective his qualifications might be in other respects—his integrity was untainted, and his honour unstained. He was not there either to defend the East India Company, or to bring charges against it. It must be acknowledged that in some respects the country had reason to complain of the Indian Administration. There appeared to have been unnecessary delay in providing a code of laws for India. Then, the judicial administration had not undergone the improvement of which it was susceptible. Public works also should have received greater attention. Still, it must be recollected that these objections were fairly met by the answer, "Look at our revenue." How had the revenue been spent? In war. It could not be said that the Indian wars were always undertaken at the wish of the Company, nor that they would be less frequent if the Company should be deprived of all power and influence. A word with respect to the distribution of patronage. There might be individual cases of abuse; but it was impossible for any one who had sat on the Indian Committee, or read the evidence given before it, to deny that the patronage of the Company generally had been bestowed on a body of men of whom any country might be proud. To his mind the system which produced these men, which placed them in these offices, and which subsequently listened willingly to the severe criticisms which they passed upon it, could not be the worst in the world. No doubt, there were defects in the system. The judicial business was not administered in a way to please an intelligent Englishman; but an intelligent Indian would have little difficulty in pointing out defects in our judicial system, and it might be asked whether the reforms which had been made in our system of justice dated from a very remote period. We complained of anomalies in the Indian Government; but surely a native could easily refer to what he might think anomalies here. Would he not hold up his hands in amazement at our Government of three powers, at the veto which was never used, and the rejection by one branch of the Legislature of a measure which had passed triumphantly through the other? If a Native, struck by these apparent anomalies, should say to us, "You must get rid of all these things before you effect any improvement in your laws and the administration of justice," the law reformer would reply, "No; let us apply practical remedies to acknowledged evils—let us reform, not revolutionise—let us satisfy the real wants of the country at the risk of leaving ungratified the ephemeral wishes of a passing agitation." Apply the same rule to India. Improvement was what he desired, but he thought it would be attained with more safety and assurance through the agency of the existing machinery than by commencing operations by revolutionising the whole Government. He felt strongly that the existing machinery was best calculated to develop the resources of India, to improve the condition of the people, and to retain the country in connexion with the British Crown. Among all his differences with the hon. Member for Manchester, there was one point on which he was happy to agree with him—namely, that this was no question between Manchester and Essex, or between the Church and Nonconformity. Let it be hoped also that it would not become a question between parties. The point at issue was one of too great importance to be made a theme of party contention; and if he had on this occasion spoken with more decision than, perhaps, he was justified in doing, it was because he felt strongly on the subject. In listening to the able officers of the Company who had given evidence before the Committee, he had become fully sensible of his own ignorance; but he had derived yet another lesson from the same source—he had learnt the importance of caution in making changes in India, and, above all, the necessity of preserving this great question from the blasting influence of party triumph, for party objects.

Sir HERBERT MADDOCK said, that notwithstanding the arguments which had been urged, and the high authorities that had been cited, he had heard nothing that had shaken the conviction he had formerly expressed, that it would be more advisable to postpone legislation on India, at least until next year, than to pass such a measure as the right hon. Gentleman had proposed. From communications he had had with persons connected with India, especially with the British Association of India in Calcutta, in reference to the appointment of a fit person as their agent to promote their views, he satisfied himself upon this point—that there was no expectation amongst the intelligent part of the community that there would be another Act passed for India during the present Session. The delay, so far from being dangerous, would have shown the people of India that the Legislature was disposed to proceed in this important matter with due deliberation. He would not, for himself, however, make any objection to the introduction of the Bill proposed by the Government, although he entertained some strong objections to many of its provisions. He was decidedly opposed to the system of a double government; notwithstanding all that he had heard in favour of the system of a double government; he was of opinion that by means of sufficient inquiry and consideration some plan might have been arranged which would have enabled the House to have avoided the necessity of that form of government. This point, however, not having been gained, he was bound to confess that the Bill now proposed to be introduced contained many points of improvement upon the existing system. The principal point which he wished to impress upon the House was, that even though it might be admitted that the name of the East India Company was to be continued, and that the proprietors of the East India Stock were still to be allowed to elect a certain proportion of the Directors, still, it was not proper or just that India should continue to be governed in the name of that Company. Every witness who had been examined on that point before the Committee had expressed himself of opinion that justice should hereafter in India be administered directly in the name of the Crown; and it would not be compatible with such a state of things that the Governor General should carry on the administration in the name of the East India Company. He disapproved of the continuance of the distinction between the civil and military services of the Crown and of the Company. It was true that the military servants of the East India Company received their commission from the Crown; but this was done only for the sake of convenience, in order to fix their relative rank, when serving in the field or at court-martial, with the officers of the Queen's army; and while he admitted that in the military service the rewards were distributed with equal liberality to both services, still in the civil service it had so happened that since the institution of the civil class of the Order of the Bath, only two of its members had been considered worthy of the consideration of the Crown. Hitherto no evil had resulted from governing the country in the name of the East India Company, in consequence of the absolute ignorance which had prevailed among the Natives of India as to the position and power of that body. There was something of the *ignotum in magnifico* connected with it. The discussions, however, which had recently taken place had rent asunder the veil which had shielded the real position of the Company from the public eye, and it was not now to be conceived that the people of India, who considered themselves the subjects of the Queen, would in future consent to be in subjection to a Company which possessed no real power. It was now high time, for many reasons, for the Crown to be directly represented in India. Among other reasons, he believed that the fidelity of the troops could not long be relied upon if they were to consider themselves merely as being subjected to the East India Company. The failures in the administration of justice, and in other matters which had been referred to, might, he believed, be attributed at times to the conduct of the Company, and at others to that of the Crown, while some of the most illustrious names connected with India, including those of Cornwallis and Monro, were associated with the greatest failures and errors. The proposal of the right hon. Baronet the President of the Board of Control contemplated the formation of a new Legislative Council in Calcutta, a large proportion of which were to be permanent members. He doubted whether there would be sufficient business of a legislative nature to occupy much of the time of those officers. There was, however, one omission which he hoped to see supplied—no allusion had been made to the employment in that Council of any of the Natives of the country; and he had not the slightest hesitation in saying that if there was any position in which the most distinguished of the Natives could be placed with honour and advantage, it was that of legislating for their fellow-countrymen; and there were many Hindoo and Mussulman gentlemen in Bengal and other parts of India who were fully competent to take part in the discharge of such duties. He regretted to hear so accomplished a classical scholar as the right hon. Baronet speak as he had done in a tone of disparagement of the study of the ancient languages of India. The right hon. Gentleman spoke with apparent triumph of the approaching extinction from the literature of the country of the antiquated Sanscrit and Arabic languages. He was surprised to find such an attack coming from so classical a scholar as the right hon. Gentleman. The right hon. Gentleman alluded to the petition which he (Sir H. Maddock) presented some nights ago from the Hindoo inhabitants of Bengal, Bahar, and Orissa, which was signed by 4,000 or 5,000 persons. Now, that petition complained of a Court of Calcutta which was composed exclusively of Englishmen, who had no sympathy whatever in point of religion either with Mahomedans or Hindoos; they also complained of the Act of 1850, which they called the Missionary Act, and which they alleged was passed in utter violation of all engagements which had been made with the people of India since the time of Lord Cornwallis to the present day. The object of the Act they asserted to be to encourage converts from the Hindoo religion to Christianity at the expense of the rights of the Hindoos, who continued faithful to their original faith. By the Hindoo law, when a man died intestate the eldest son succeeded to his property, on which was entailed the performance of certain duties of a religious character which he alone could discharge. It was the firm belief of all Hindoos that much of their happiness for the future depended upon the faithful observance of this law. Before this Act of 1850 came into operation, any of the Hindoo relatives would have a share in all other property except this particular kind of property. The Act, however, to which he referred made the convert to Christianity entitled to a share of this ancestral property, the rights and duties pertaining to which he was no longer qualified to perform. This Act had given the greatest dissatisfaction to the natives of India, and they viewed it as a violation of all former engagements entered into with them, and a direct assault on their religion in favour of those who apostatised from it. He heard with regret the right hon. Gentleman give so decided an opinion that the principle of such a system was right, and that the Government should exercise the part of missionaries in proselytising the natives. As he understood the right hon. Gentleman, he had defended the policy of this measure on the ground that when a Hindoo became a Christian it was right that he should enjoy every advantage he would otherwise have possessed, forgetting that the advantage conferred upon him was only his right so long as he remained an Hindoo. He asked the House whether it was becoming that a Government so constituted as the Government of India was, should make itself a partisan in legislating upon a subject of this kind? Was it right that the chief Minister of the Crown in India, in his place in that House, should express an opinion confirmatory of the apprehensions of the Hindoos, that this was the first step in their present policy, and that it was probable it would be followed by other steps of a similar character? He most sincerely trusted that the House would consider the question as one apart from all party considerations, and under the sole feeling that it was the duty of this country, to which by the inscrutable decrees of Providence a mighty empire had been given, so to regulate our councils as that they might be best adapted for promoting the benefit, happiness, and prosperity of India.

MR. DANBY SEYMOUR said, that he could not help feeling that from the course adopted with respect to the inquiry and proposed legislation, and from the little attention that had been paid to the various petitions from India, it would be thought throughout that country that sufficient care had not been taken of their interests and happiness by the British Government. In connexion with the question before them, he could not help looking at the composition of the Committee appointed to inquire into the Affairs of India. The Committee consisted of thirty-nine members, of whom thirty-one were either connected with the Government or with the East India Company, while of independent members, not connected with either, there were only eight. They had heard that night what were the views of the Chairman of the Committee with regard to this question; and everybody knew that when the Chairman of a Committee expressed decidedly a particular view, in which he was likely to be supported by a majority of the members, it was quite useless to bring witnesses before that Committee. It was an extraordinary fact, in connexion with the labours of this Committee, that having last year finished the question of the Home Government, it had been opened again, only three weeks ago, by the right hon. Gentleman the President of the Board of Control. That certainly seemed to indicate that sufficient evidence had not been obtained on the subject of the Home Government; and yet the right hon. Gentleman brought forward his Bill before the Committee had reported on the subject, and before the evidence had been printed and had been placed in the hands of Members. Was the commonest Railway Bill ever treated with such disrespect? And yet this was a measure of the most transcendent importance, and one likely to influence the welfare of the human race more than any other that could come under the consideration of the House. As to the line of policy which should be pursued in the government of India, he had been able to form a very decided opinion from the opportunity which he had enjoyed of witnessing the beneficial effects produced by the liberal and impartial policy followed in the Russian Asiatic possessions. He had visited those countries while the old system, which we were still determined to pursue, was in existence, and also when the new system was introduced by the most able administrator of the time in Europe ten years ago. The latter had been crowned with the greatest success; and the result had been to increase the Russian influence throughout the whole of Asia. When he first went to the Caucasus, the nations subject to Russia, nearly fifty in number, were treated very much as we treated the people of India. There was the greatest discontent; and it was thought necessary to have a large army to preserve quiet. So careful had been the organisation of conspiracies, that they were prepared to assassinate every Russian officer in the capital; and information of the conspiracy was received the week before, not from any part of the country where it took place, but from St. Petersburgh. Prince Woronzow, who governed the whole of the province there, introduced an enlightened system of treatment, which it was to be hoped our Government would imitate; the excellent effects of this policy were abundantly evident, for the people had become so attached to him, that they would lay down their lives for him. Russia was now seeking to extend its power; and there was not a native of intelligence in India who did not know that he had a great deal more to hope from the policy of Russia than from the present policy of England. In the Russia dependencies, a chief who had sent in his submission but a short time, was invested with the highest offices of the State, and command in the army; and at this time, one of the most distinguished generals on which Russia counted was an Armenian—a man whom we should not admit to have an ensign's commission. His son might enter the Russian civil service, and might aspire to the highest offices of the State; everything was open to him; there was no difference of creed, colour, or class; everything was thrown open with a generous policy, very different from ours. When the time came to choose between these two nations—which Sir John Macneil said would go on extending their circles till they must necessarily touch, and the same feeling prevailed throughout Asia, could we doubt which would be the successful one? He had the strongest conviction on this point; and he knew that it was shared by many distinguished servants of the Company in India. No man could pass through a certain amount of experience and study the character of that people with his eyes open, without arriving at this conclusion. He could not conceive, therefore, a more important subject than this; and that was the reason why he had deemed it his duty to direct towards it a larger share of his attention. He must say he had never heard such a continuation of misrepresentation from beginning to end in all his life as had fallen from the right hon Gentleman the President of the Board of Control and the hon. Member for Honiton on this subject; and he could not help observing that they were calculated to give a very false impression to the people of England, who, however, he hoped would study the subject for themselves, and not be guided by a Whig Minister whose policy in 1839 had brought neither success nor glory to this country. In answer to the taunt of the hon. Member for Honiton, that they did not consult the papers laid before Parliament, he would answer, in the first place, that with reference to the evidence taken before the Committee, it was evidence taken before a partial tribunal, and was treated in India as a mockery. He would, in the next place, quote from *Kaye's History of Affghanistan* a passage to prove in what way Indian papers were treated, and to show that no man in his senses could put any confidence in papers that came from the East India Company. Everything that told against their case was suppressed, and therefore he would never consent to consult their papers, but would draw information relative to this great "mystery of iniquity," as he must call it, from every quarter whence he could obtain it. It was well known that Russia and England were very near going to war for the possession of Affghanistan; and

Sir Alexander Burnes was sent there to promote our interests. Dost Mahomed was favourable to the English; and when the Russian embassy came to Cabul, he was not well received, and his mission was notified to Sir Alexander Burnes. Sir Alexander represented Dost Mahomed as favourable to us; and his despatches and Dost Mahomed's letters were transmitted to the East India Company's Government. But they actually cut out everything that told against their case when the Affghan expedition was undertaken. They cut out everything that represented Dost Mahomed as favourable, and all Sir Alexander Burnes's representations against going to war with Affghanistan; and they garbled the evidence in such a way as to make it appear to the House and to the country that they had been forced into the war. It was only from a letter that was got after Sir A. Burnes's death, and a copy of his despatches that were in the hands of his father, and published, that the truth came out. He could not sufficiently express his abhorrence of the men who made these garbled statements, and who wilfully, elaborately, and maliciously bore false witness against their neighbour. The character of Dost Mahomed had been lied away, and the character of Burnes had been lied away. For these reasons he (Mr. Seymour) put no faith in any document sent forth to the world either by the Government or the East India Company. He would now turn to the misrepresentations of the hon. Member for Honiton (Sir J. W. Hogg) in reference to the police. The hon. Baronet had sneered at the hon. Member for Manchester for having read the report of a case of two indigo planters who quarrelled together, and had said it was unfair to represent a common police report as showing the normal state of affairs in Bengal. He (Mr. Seymour) would, however, quote a short extract from a petition of the inhabitants of Calcutta, showing the state of things there, and, though the President of the Board of Control had treated such petitions with contempt, yet he could not conceive that three gentlemen of high respectability like Sir H. Maddock, Sir E. Ryan, and Mr. Cameron, would have taken charge of a petition of this kind unless they believed it contained the truth. The petition stated that the police of the lower provinces totally failed in preventing crime, in apprehending offenders, or protecting life and property, but had become an engine of oppression, a means of injuring rivals and destroying enemies. The hon. Member for Honiton, who sneered throughout the whole of his speech, taunted the hon. Member for Manchester, also, for not quoting from Mr. Marshman's evidence, instead of from the *Friend of India*. Now, if the hon. Member for Manchester had quoted from Mr. Marshman's evidence, he would have found in it something better for his purpose than any extract he had read from the *Friend of India*. Mr. Marshman was asked, "Are dacoities (gangs of robbers) very frequent in Bengal?" His reply was—

> "Very much so; more especially in the districts immediately around the Presidency. There used not to be, and perhaps at the present time there is scarcely, a night in which there are not two, three, or four dacoities perpetrated, and they are almost always committed with impunity. Two or three years ago the magistrates in five or six of the districts around Calcutta were obliged to confess that no man possessed of property to the value of 20*l.* or 30*l.* could retire to rest with a certainty of not being plundered of it by the dacoits before the morning. There is, therefore, a great insecurity of property, and property is felt to be exceedingly insecure by the natives themselves in the districts around Calcutta."

Was this a proper state of things? These occurrences took place, be it observed, in the oldest of their Indian settlements, and this was the state of things which the right hon. Gentleman and the hon. Member for Honiton vaunted so highly. He (Mr. Seymour) had been through almost every district and country from this island to the beginning of Central Asia; and he was not acquainted with any one district where property and life were so insecure as they appeared to be under the Government of India in Bengal, or where criminal justice was so ill administered. He heard the President of the Board of Control deny, that any gentlemen were appointed under twenty-one years of age as judges, and quoted the authority of Sir G. Clerk in support of his denial. When the right hon. Gentleman was making that statement Sir Erskine Perry was sitting under the gallery, and Sir E. Perry sent a message to an hon. Member stating that his experience differed from that of Sir G. Clerk on the point. Upon this subject Mr. Marshman said—

> "That the youth of the magistrates, who are called 'boy magistrates' by the natives, from there being many of them under twenty-five years old, certainly was one cause of the inefficiency of the police in the lower Provinces, and that the natives have not the same confidence in them as they have in men of greater experience."

[An Hon. MEMBER said, that the quotation referred to magistrates, and not to judges.] Well, if the hon. Member thought that magistrates might be appointed under twenty-one years of age, he entirely disagreed from him. It was atrocious in India, where the authorities had such enormous power, to place the property of any of Her Majesty's subjects at the control of sons and nephews of directors who had not yet reached the age of discretion. Mr. Marshman again said, that when the sessions judge and the magistrate happened to be at variance, the decision of the latter was regularly appealed against, and in most cases reversed; but when they happened to be on the very best terms, the appeal was almost a farce; but in both cases the interests of the country suffered. And this was the government which was to be continued without alteration by the President of the Board of Control. One might go on quoting for ever in reference to the failings of the East India Company, for every part of their administration seemed equally bad. The statements made as to the general ill condition of the Indian population had been disputed; and he would recall to the recollection of the House how, in like manner during the discussions on the Corn Bill, the wretched state of the agricultural labourer in England, living on 7*s.* a week, was denied. The fact was, that when men's interests were concerned, it was unsafe to take them as witnesses. But the India Committee had heard witnesses of no other character, and the evidence of Mr. Sullivan was rejected a few months ago because his opinion was known to be adverse to the Company. He had heard of witnesses leaving the Committee with indignation, and with their opinion of public men lowered, because questions which seemed likely to turn against the Company were not put to them. A friend of his engaged in commercial transactions had informed him that money in the limits of the Supreme Court was to be had at 5 or 6 per cent, but that out of those limits, and the moment the Company's jurisdiction began, the interest was 12 or 14 per cent. These were facts, and the right hon. Gentleman the President of the Board of Control might have made himself acquainted with them if he had liked; but he did not choose to bring forward anything except what was favourable to the East India Company. It was well known that the noble Lord the Member for London determined two years ago to continue the Company without any inquiry at all, and it was only in consequence of the questions of the noble Lord the Member for King's Lynn (Lord Stanley) that he consented to the appointment of a Committee. It was the fashion to sneer at the hon. Member for Manchester for the pains he had taken to inform himself on this subject, and to look at the hon. Member as a discontented Radical, who sought nothing but the subversion of established authorities. But that was not the light in which the hon. Member was regarded by the late Sir Robert Peel. That statesman knowing the interest and the information acquired on the Indian question by his hon. Friend, had the good sense frequently to consult his hon. Friend; and yet he was excluded from sitting on the Indian Committee. The Members of that Committee were for the most part safe men, on whom the Government could rely. The Bill was not likely to be palatable in India, any more than it was palatable in this country, where of the metropolitan press only two newspapers, the *Globe* and the *Morning Chronicle*, approved of it. Ever since the East India Company had become possessed of India, their government had been one continued system of maladministration: and as the noble Lord, on a previous occasion, said that India had been well governed for seventy years, he begged to read the following quotation from Mr. Macaulay, *Life of Clive*, in reference to Bengal:—

> "The misgovernment of the English was carried to a point such as seemed hardly compatible with the existence of society. They forced the natives to buy dear and sell cheap. They insulted with impunity the tribunals, the police, and the fiscal authorities of the country. Enormous fortunes were thus rapidly accumulated at Calcutta, while 30,000,000 of human beings were reduced to the extremity of wretchedness. They had been accustomed to live under tyranny, but never under tyranny like this. They found the little finger of the Company thicker than Surajah Dowlah's loins. Under their old masters they had at least one resource;—when the evil became insupportable the people rose, and pulled down the Government. But the English Government was not to be so shaken off. That Government, oppressive as the most oppressive form of barbarian despotism, was strong with all the strength of civilisation. It resembled the government of evil genii rather than the government of human tyrants."

That was in 1763. Nevertheless, he would presently come to more recent information; and he would read an account which particularly applied to the present day, because the Indian civil service still remained, and India was *exploiteé* for the sake of 800 sons, nephews, and relations of the Directors. [The hon. Gentleman here quoted a passage from Burke, to the effect that the English in India were nothing but a nation of placemen; and that the fundamental principle of the whole of the East India Company's system was monopoly in some sense or other. Referring to later authority, the hon. Member quoted an extract from *Kaye's History*, in which that writer observed that the servants of the Company for nearly two centuries had regarded the natives of India as so many dark-faced and dark-souled Gentiles, whom it was their mission to overreach in business, and overcome in war.] That was a pretty picture of this paternal Government! There was a circumstance noticed in Mr. Kaye's book which showed the estimation in which the English were held by nations in India not under our rule. That writer stated that there was a race in India who worshipped devils, among whom was an Englishman, and upon his altar they offered spirits and cigars. Mr. Shore, who was referred to as a high authority both by Mr. Mill and Dr. Wilson, writing in 1834, stated that there had been a diminution of the kindly feeling between the natives and the English, and he said that the chief object of the British administration appeared to have been the exaltation of the few upon the depression of the many. The hon. Gentleman quoted from Mr. Shore passages in which the exclusion, as far as possible, of natives from all share in the government, and the idea that the natives were not fit to be trusted, and were almost incapable of performing any but the most inferior duties—an idea arising out of the desire of sending as much money as possible to England, and consequently of not employing natives of respectability, to whom it would be necessary to give a liberal salary, was spoken of, and Mr. Shore said that the reason why the Company kept things so secret was, that they dreaded exposure, well knowing that if the people of England were aware of their proceedings, they would not sanction them for a single day. That was the account Mr. Shore gave some time ago; and as to the present system of the Government, and the necessity of altering that which the right hon. Gentleman the President of the Board of Control thought such perfection, there was an excellent observation recently made by a very talented writer, Mr. Chapman, who said—

> "The Government of India is like a splendid team, every horse excellent, but altogether so abominably harnessed as to be deprived of half its strength; insomuch, indeed, as hardly to be able to draw home even the harvest on which it is itself to live."

And he said, speaking of the Government of India, after an eloquent passage about its being nothing but paper, paper, paper, which was a check on the improvement of the soil of India—

> "Vast heaps of humanity, festering in compulsory idleness, encumber the soil of India. . . . Idle India, let alone, may change in time to a mountain of gunpowder, which any wild spark may ignite. . . . Idle India, set to work, would be our treasure, our glory, our inseparable friend."

Several things had been asked, but no answer had ever been made to anything brought forward against the Company. Now, he wanted to know whether Mr. Kaye's book had been paid for directly or indirectly out of the funds of the Company—that was, out of the taxes of the people of India?—for there was a rumour to that effect. There was a gentleman—Mr. Mountstewart Elphinstone—who wrote an excellent history of India. He afterwards wrote a continuation of that history, which lay now in his closet finished, but not published; and what was the reason? He could not vouch for the fact himself; but the reason, as reported, was, that the East India Company having heard that it was not so favourable to them and their views as they could have wished, employed another gentleman (Mr. Thornton), whose name had never been heard of before, to write a history of India, which was thrown into the market in anticipation of Mr. Elphinstone's work, at the expense of the Company, and to be disseminated throughout England and India to prevent Mr. Elphinstone's history from being read. It was stated that the Company expended 7,000*l.* in disseminating that work, which was so bad that it was now a drug in the market. In consequence of this the public was deprived of the satisfaction of having the continuation of Mr. Elphinstone's work, because he was a poor man, and could not afford to publish his history at a loss. Such was the mode in which the patronage of the Company was distributed, and such was the way in which the money of the natives of India was spent—namely, in getting up and diffusing works at their expense for their calumniation. He might go on to quote instance after instance of the like character, but he would forbear. He thought the House of Commons had never been condemned to hear so low a tone taken on Indian affairs as that which was taken by the right hon. Gentleman. Nothing was said by the right hon. Gentleman of the 100,000,000 of persons affected by this legislation;—he looked at it as if the only interests concerned were the House of Commons, and the single room of the Board of Control, and as if everything that did not concern these was totally foreign to his office. When he contrasted the speech of the right hon. Gentleman with the high moral tone of Lord Glenelg in 1833, he felt ashamed of the difference. [Sir CHARLES WOOD: I am much obliged to you.] The right hon. Gentleman need not feel under any obligation to him; for the present was an occasion on which he felt bound to state facts, and he could not help contrasting the material tone adopted by the right hon. Gentleman when he addressed the House, with the enlightened spirit which animated Lord Glenelg, whose mind seemed filled with those noble aspirations which sprang from an enlightened Christianity, and who expressed a hope that the gates of that country which had fallen into our hands by the gift of Providence as was said—though he (Mr. Seymour) was afraid not a little by our crimes—would be opened, and the Natives and Englishmen might unite together in exalting those vast seats of civilisation, where the human race might be as happy as they were in the infancy of the world. But the right hon. Gentleman never went through any such question in his speech; and, if time allowed, he (Mr. Seymour) could show that hardly did the right hon. Gentleman observe upon anything that had been said by preceding speakers without misrepresenting it. The case of Mr. Kaye, referred to by his hon. Friend the Member for Manchester, the right hon. Gentleman had totally misrepresented—of course unintentionally, and he seemed disposed to turn everything into a sneer; and, although one hon. Gentleman said his hon. Friend had made up his speech of scraps and patches, taken from magazines and newspapers, yet his hon. Friend had not quoted so many as the right hon. Gentleman; and, moreover, he had always quoted the highest authority, such as Mr. Campbell, Mr. Kaye, Mr. Cameron, the *Friend of India*, and the evidence taken before the Indian Cotton Committee. As to the state of the law, too, in India, what would be thought of the state of the law in this country if the hon. and learned Member for Southampton could write such a passage as this—that "through the length and breadth of India those who occupied the judicial bench were totally incompetent to the decent fulfilment of their duties; and, so long as the present system continued, there was no hope of amelioration. Matters must go on from bad to worse, until in the lowest depth there could be no lower bottom still." Yet such was the evidence before the Indian Committee given by Mr. Norton, Vakêel, or Attorney General, of Madras. Mr. Prinsep, himself an East India Director, acknowledged before the Committee that the administration of justice in India admitted and required improvement. "It is impossible to deny," said Mr. Prinsep, "that these complaints have much foundation in fact, and are supported by the general opinion of the Native and European community in India; and yet, to his astonishment, the right hon. Gentleman greatly extolled the statement, and wondered how anybody could, after it, denounce the administration of the law in India. Before the Committee, Sir George Clerk, in giving his evidence, said that the idea of Europeans being corruptible was thought impossible in India; but by the next mail arrived the news that one of the judges of the Sudder Adawlut had been dismissed under very suspicious circumstances, to say the least; and that afforded an example of the way in which the servants in the civil service were treated. However gross might be their delinquencies, they were scarcely ever dismissed the service. The judge to whom he referred was dismissed on the ground of debt; but there was a serious accusation against him, and until it was cleared up it was allowable to suppose there were other grounds of complaint against him. But he was not dismissed altogether; he was removed to another office in the country. He did not think the government of that Company had been a good one. It was stated that the Madras petition was full of inaccuracies; but, supposing it were so, when a complaint of so grave a character was made, a statesman anxious to go to the bottom of the question, instead of turning a deaf ear to the petition, ought to have said something to alleviate the anxious feelings of the Natives of India; he might have said he was well aware of the settlement system in Madras being open to very serious objection, and it would be his earnest wish to do everything for the happiness of the people. That would have removed many an anxious feeling on the part of the Natives. Sir G. Clerk was asked before the Lords Committee whether it was true that pauperism universally prevailed in the Company's dominions, and his answer was, "only where the ryotwar system prevailed;" but that system prevailed over a district containing 30,000,000 of inhabitants. And Colonel Sykes said the land was over-assessed, and that it was of little or rather of no value at all in Madras. But what must be the state of the people when that was the case? They must be in a degraded state; and when that was so it was impossible to praise the goodness of the Government. The hon. Member for Huntingdon (Mr. Thomas Baring) said that one of the great blessings the people had under the British Government, at least, was the security to life and property; but it appeared that in Madras they had no property, and in Bengal it was not secure. Great credit was taken for the East India Company that nothing besides salt was taxed; but in point of fact the people had nothing else that could be taxed. The hon. Member for Honiton (Sir J. Hogg) objected to quotations from newspapers; but as he had set the example of quoting from the *Calcutta Review*, he (Mr. D. Seymour) would venture to refer to that publication. He would preface that, however, with a reference to the Cawnpore statistics, issued on the authority of the Government itself, as to the state of the North of India. Now, on the general average there were 7,500,000 acres at 18*s*., and 500,000 at 24*s*., producing altogether 14,868,588 shillings, for the maintenance of 583,460 persons, besides the cost of cultivation, and that gave only 1*l*. 5*s*. 6*d*. per head. That was the average in the most favourable district of India, and which was sometimes described as the paradise of the Company's dominions. Mr. Campbell said it was absurd to suppose that the people of India did not want money as well as the people of other countries; adding that they were very fond of rich clothing and ornaments, and that early travellers spoke of the women and children whom they had seen in the villages as adorned with such appendages. But he must touch upon the question of irrigation. He would admit that the Ganges Canal was a great work; but he thought the principle upon which that work was undertaken was false. English capital was required, and he had not the least doubt, that if the system of government at home were simplified, and there was only a controlling power here, the government of India being left to be carried on there, English capital to a very large amount would find its way to that country, and the aspect of Hindostan would be changed enormously before ten years had passed. He should like to know whether it was or was not the case that two reports which Colonel Cotton had written condemnatory of the Government, had been required to be withdrawn. Here was a very grave imputation upon the Government. It had been continually represented to them, from 1792 down to 1852, that the outlay of a very small amount of money would have executed those works which would have prevented a famine; yet, until a few years ago, they had not been completed. He knew very well what Colonel Cotton thought of that matter. There was another most important subject to be touched on, which was the civil service; and he must say that he thought some attention should have been paid to the Bombay petition. It began with the old complaints about the bad education of the persons engaged in judicial employments—their not being required or expected to prepare themselves for the judicial office by any previous study. They said, that even in cases of extreme misconduct they were exempt from all fear of punishment; that as they were regarded as the privileged governors of the country, the gravest errors were only visited with expostulation, or, at the utmost, with removal from one office to another; and that while the present exclusive system was continued, it would be impossible to secure efficiency in any department—and so on. These were the hackneyed complaints, so he dismissed them: but they were most important ones; and any person but the right hon. President of the Board of Control, and the hon. Member for Honiton, would consider that they should be entered into fully and seriously, and should not be sneered at and passed over. A well-informed writer in the *Calcutta Review*, upon this subject, said—

> "Out of an expenditure of 20,000,000*l*. sterling, 6,800,000*l*. is the annual disbursement for the European agency, civil and military, employed in the Anglo-Indian empire. The 3,500,000*l*. civil service the higher classes and more intelligent natives feel would all have flowed into their own hands had the government not been in ours; and accordingly it is this part of our system which excites both most observation and most ill-will among the aspiring."

Upon this, let him observe, that people always aspired when they thought they suffered injustice; and he asked the noble Lord the Member for London to compare the present state of things at this time in India with the condition of this country prior to the passing of the Reform Bill. He would ask the noble Lord whether the Dragoons and the Six Acts, or the Reform Bill, had done the most to quiet this country? The conduct of the Government at that time, which had been so much influenced by the noble Lord, might serve as a model now; and he entreated the chief of the Liberal party, or rather him who had been so (for he thought that it was very much owing to the conduct of the noble Lord that the Liberal party had been much divided), to think of his early life, and to bring in a measure of reform for India such as had proved so eminently successful in this country. They no longer heard complaints that seats in this House were not open to the aspiring. The same writer, who he thought could be no other than Mr. Kaye, from the acquaintance which he displayed with his subject, went on to say—

> "The Natives see 3,500,000*l.* distributed among a class very limited in numbers, not amounting to 2,000 for all India, which enjoys a monopoly of all posts of trust and power, and which, if an average were struck on the total of civil *employés*, covenanted and uncovenanted, costs the State 1,750*l.* annually for each man of the favoured body. Each European officer costs a trifle upwards of 412*l.* per annum, not one-fourth the civilian. It is true, by Act of Parliament the highest offices are open to all; but though the law Imperial imposes no disabilities, the law Directorial of patronage is in complete antagonism to the Act of Parliament in this respect; and, practically, a Native cannot hope for anything higher than to be admitted to compete with the European uncovenanted servants for the charges of Amin and Sudder Amin."

It was given in evidence also by a Native, the only one who had been examined by the Committee, that, while the covenanted civil servants received pensions, there were none given to native functionaries, many of whose widows and families were in consequence in great distress. He regretted having been obliged to trouble the House with so many extracts; but upon a subject of this nature much must depend upon authorities, and as many had been cited on the other side, he was anxious to show that there were others, equally important, who could be quoted on his side of the question. And when the Government saw such men as Mr. Cameron and the hon. Member for Rochester (Sir H. Maddock) advocating the change which they saw must come, it ought to have some weight with the Government. He believed that far more than half of those upon the Government benches saw that this was only a temporary measure—that it was intended merely to break the fall of the Directors—and that the policy of the Government was to keep them up as a "buffer" as long as possible. When this measure should be granted, however, public opinion, led by those high moral responsibilities which were being asserted among the nation, and by that acquisition of knowledge which the country were acquiring upon Indian questions, would not permit the Court of Directors to be retained for a much longer period. If these changes, then, were seen to be inevitable, he asked, would not the agitation go on just as much to get rid of the measure which the right hon. Gentleman was now introducing, as if he had delayed legislation for a year? Had the right hon. Gentleman done that, however, he would have avoided the agitation in England which would infallibly take place until an institution was removed which was thought to be unconstitutional, and until the Ministry which enjoyed the power of governing the Indian empire should be obliged to take upon themselves that responsibility which they had been at so much trouble to evade. [Mr. HASTIE: Hear, hear!] The hon. Member for Paisley had better address the House in support of the views he took; but he assured the hon. Member that no town in Scotland would benefit more from a satisfactory settlement of this question than his own constituents. His constituents, indeed, ought to oblige him to take a greater interest in this question than he seemed willing to do, for a change would be indirectly of great benefit to them. He had endeavoured to show his reasons for differing from the right hon. President of the Board of Control in the opinion that the government of the East India Company had been successful during the last twenty years. He found a Government which had neglected the administration of justice; which had debarred the Natives from employment; which had done its best to prevent the fusion of races which ought to follow when one nation was settled among another; which was responsible for defects of police, and a contracted state of internal trade; and which had placed obstacles of every description in the way of the progress of British commerce; and he thought, upon all these grounds, that the Government of India had not been a good one, and he had done his best to take the hon. Member for Honiton at his word when he said, that if it could be proved that the Company had not done their utmost for the country, he would admit that they had not a leg left to stand upon.

MR. ARCHIBALD HASTIE said, that as direct allusion had been made to him for having interrupted the hon. Gentleman, he would say he had done so because he had never heard such a tirade of fault-findings. But all he meant was to ask the hon. Gentleman what he intended to do, or what he wished to recommend, in order that India might be properly governed? Everything it was possible to say against the government of India for the last twenty years had been said, but no remedy had been suggested. As he represented a large manufacturing constituency, he was anxious, before the existing government was withdrawn, to understand the machinery that was to be substituted; but not a word had he heard upon the subject. Hon. Members had read tirades against the Indian Government, which came mainly from disappointed aspirants—some from lawyers, and others from editors of newspapers, who wrote to gain a livelihood; but not a single proof had been given. He was old enough to remember the first throwing open of the trade to India. In the year 1812 he was one among those who were called agitators and discontented, because they wanted to throw open the trade. It was thrown open in 1813, at which period the exports of cotton manufactures to India from this country amounted to only 130,000*l.* a year. At present they amounted to upwards of 5,000,000*l.* It was said that the East India Company had been the cause of throwing millions out of employment; but the real cause of millions being thrown out of employment was the constituency of the hon. Member for Manchester. They kept a duty on the importation of Indian manufactures into this country of 60 per cent, while they obliged India to receive theirs at 5 per cent. The hon. Member might well tell the House that his constituents were deeply interested in this question: they were interested in underselling the Natives. Dr. Bowring once stated in that House that the effect of throwing open the trade to India had been, that the plains of Dacca were blanched with the bones of the poor handloom weavers. But he had risen mainly to say that before destroying the existing Government, from which the people of India had derived enormous advantages, the House ought to know what was suggested in its stead. Hon. Members opposite proposed nothing. He should be extremely happy to see their plan, and certainly, if he found it better than that of Her Majesty's Government, he would adopt it.

MR. HUME, like his hon. Friend who had just sat down, wished, before the present Government was destroyed, to see what was to be substituted for it; and he contended also, that the House ought to be informed of the result of the measure of 1833. The question, indeed, was, whether the Government established by the Act of 1833, which vested the management of India in the Company, had produced the results which were expected. Prior to that he did not want to go, because he regarded any observations relating to an earlier period as wholly inapplicable. He believed that much that had been said with regard to the past government of India was true. Much that might have been done had been left undone; but in his opinion much more had been done than some parties were willing to admit. He considered the present attempt to legislate for the government of India, while they were in perfect ignorance of all that had taken place since 1833, was premature and unstatesmanlike. It would have been wiser if they had followed the course pursued in 1831-32-33, and inquired closely into every department connected with the government of India. There ought to have been an inquiry last year and the year before. The Government had been asked twenty times since the Session commenced as to their intentions with respect to India, and until the 1st of June they refused all information, giving only evasive answers. He construed that evasion to mean that they would defer permanent legislation, and merely bring in a continuation Bill to 1854 or 1855, to enable full inquiry to be made by the Committee appointed on the subject. He could hardly believe that the Government had any serious idea of legislating permanently for India. On all other occasions the Government of the day had consulted with the Court of Directors before adopting any measures to be laid before the House; but on this occasion the first communication made to the Court of Directors was only made on the 1st of June. In the letter of that date the Government informed the authorities in Leadenhall-street that it was intended to bring in a Bill entirely to change the nature of the Court of Directors. What the answer of the Court of Directors to that communication had been, the House did not know, for, departing from the rule which was generally so strictly observed, the Government had neglected, or wilfully refrained, to lay the correspondence on the table of the House. He deprecated strongly the bringing forward a measure of this character suddenly, as though some great emergency had arisen. No paltry parish Bill was ever attempted to be passed through Parliament with such a degree of precipitancy, for a parish would require notices, and here no notice had been given. With regard to that Court he differed very much from some of his hon. Friends, for he had been taught by experience that they had conferred very great benefits on the Natives of India. In former years a good deal was said about the wealth of India, but now nothing was talked about but the misery and wretchedness of the people. The cause of that misery and wretchedness ought to be inquired into, for the purpose of showing whose fault it was. If misery had been caused by misgovernment, time ought to be given to ascertain by whom that misgovernment had been committed—to use a common phrase, to put the saddle on the right horse. He had no hesitation in stating that the Committee appointed to make those inquiries was not a fair and impartial Committee. He would only select one of many instances to prove that assertion. It was his desire that every complaint alleged against the Company's government, either here or in India, should be inquired into; and knowing, as he did, how important it was that the Natives of India should not only be well treated, but satisfied that their complaints were not disregarded, he moved that the parties from Bombay and Madras who had presented petitions to Parliament should be advised that the Committee were ready to receive evidence in support of these various allegations. Out of 17 Members in the Committee, only one supported his Motion. The Committee, it was true, decided that they would hear any evidence that might be adduced on the matters referred to in the petition; but of course one man would not interfere with the facts stated in another man's petition, and these parties were not likely to come forward without being summoned; and as these gentlemen lived in a distant country, that was another ground why there should be no hasty or premature legislation. He was glad to find that the hon. Member for Rochester (Sir H. Maddock) concurred with him in the opinion that the Natives of India would not be satisfied unless they were heard; and as that hon. Member had been Deputy Governor of Bengal and President of the Council of India, he could not be supported by any higher authority. He wished to know what emergency had occured to prematurely hurry on this measure. He regretted deeply that Her Majesty's Government should have taken that course, and he still hoped the House would establish its character for fairness, and not allow themselves to be led blindfold into hasty and ill-digested legislation. He had listened to the speech of the right hon. Gentleman the President of the Board of Control, and it appeared to him to be most laudatory of the Court of Directors, and of the benefits which they had secured for the people of India; and yet the right hon. Gentleman concluded by proposing to destroy the system he so highly approved of. Some hon. Members seemed to desire to place India on the same footing as our other colonies; but no one could have attended to the history of the last twenty years without observing that, whilst in almost every one of our colonies there had been open rebellion in consequence of misgovernment and mismanagement, in India peace and order had been maintained. Was that accident, or was it the result of good management? For his part he attributed it in no small degree to the care and attention of the Court of Directors, and he should be sorry indeed to see the colonial system of government applied to India. One of the greatest faults which could be laid against any administration was charged against the Directors of the East India Company — namely, financial difficulties. But that was one of the great reasons why he was not prepared to legislate; for he was most anxious to inquire how those financial difficulties had arisen, and why the debt had increased 28,000,000*l.* since 1833. He believed that an inquiry would establish the fact that the debt had been contracted by the interference of Her Majesty's Government, who had done their best to waste the resources of India. He considered the step they were about to take a most important one, It involved the interests of the country to an incalculable extent, and it touched very intimately the character of that House. Once taken it could not be recalled. We had lost territories of importance before; it was not impossible we might lose them again; and if the same principles of government were applied to India, which had been applied to Canada, the Cape, and other Colonies, he would not give ten years' purchase for our possession of that country. He believed inquiry would show that all the causes of financial difficulties, all the waste of treasure, and all the abuses so loudly condemned, could be traced to the Board of Control—the same authority to which it was now proposed to transfer the greater part of the government of India, abolishing altogether the check which the Court of Directors at present constituted. The Court of Directors were by law guardians on behalf of the proprietors of India stock, and as one of those proprietors, he said, if India were lost, the revenues of India were lost also, and the Government of England stood pledged to provide by 1874, the repayment of a capital of 12,000,000*l.*, towards which 2,000,000*l.* were set aside to accumulate in 1833, and, if he read the Act aright, to provide also for the payment of dividends up to that period. In publications he had seen, it was suggested that the Government should borrow, at 3½ per cent, and pay off the East India proprietors, who were receiving 10½ per cent; but that could not be done. The Act of 1833, in consideration of the Company giving up all its possessions and property to the public, secured not only the repayment of the capital, but the 630,000*l.* which he believed was the amount of the annual dividend. He defied the Government to dispense with the Board of Directors, and, therefore, he was surprised at the proposal to degrade them; for it was a degradation to take away the patronage, which was one of the great objects to induce the Directors to devote themselves to the government of India, and to add 200*l.* a year to their salaries. He hoped there was not a Director but would spurn such an insult to them—such an insult to the people of India—that they should continue to pay their servants 3,000*l.* or 4,000*l.* a year, and their masters 500*l.* a year. If the right hon. Gentleman had desired to effect a beneficial change in the constitution of the Court, he should have extended the right to vote to all holders of 500*l.* of stock. There might have been cases of partiality, favour, and abuse, and probably malversation might have been tolerated by the Court of Directors, but that was not the general rule; and he took it on himself to say the whole tenor of their despatches was to govern India wisely, honestly, and for the benefit of India. The Court of Directors was divided into committees upon different questions, such as the army, the navy, law, and finance, and not a single paper came home but was submitted to the committee specially appointed to watch and control that branch of government to which it referred. To that system of circumspection he attributed the regularity and order which reigned in India; but this system was to be swept away instead of amended. If he had been asked to suggest a new scheme of government, he should not have taken that course, he should have advised them to give to the Court of Directors more power and more influence. He would have enacted that no Director should be appointed that could not give his whole time to the duties of his office, and that he should possess qualifications only to be acquired by a lengthened residence in India. He would have removed the gross abuse which enabled a clique to elect any one they pleased, bankers and others, who were wholly incompetent for the office; and he would have extended the number of electors, by giving the 500*l.* stockholders the power of voting. Changes like these would certainly prove highly beneficial; but the right hon. Gentleman proposed instead to extend the authority of the Board of Control, the said board being generally appointed without any reference to the acquaintance of its members with the affairs of India. The Board of Control had incapacitated the Court of Directors from doing much that they had desired to do for the benefit of the people. Still he said time was wanted to acquire more complete information. India had been made a political football. It had been made use of for political purposes. He could prove that, but for the wars, India would have had a surplus revenue since 1835, and those wars had been undertaken and prosecuted because the Court of Directors had not that check upon the Board of Control which they ought to have had. The Court of Directors were kept in perfect ignorance until the money had been squandered, and they were called on to pay the bills. From the evidence of Mr. Melville, the secretary to the Court, they appeared to have received no information concerning the Affghan war until it was both begun and terminated. Not one of the Directors had approved or given their sanction to the war in Scinde, and that province was conquered and annexed before they knew anything about it. In the third instance, the war in the Punjaub, Lord Hardinge deferred hostilities as long as possible; but they came at last, and the Court of Directors knew nothing until it was all settled. He wished hon. Gentlemen had the opportunity of reading the secret correspondence of 1833. They would there find some very able papers, making demands on behalf of the proprietors that would have checked and controlled this extravagant expenditure. But the great evil in the management of Indian affairs was secrecy. After giving up the China trade, publicity was assured to the Company. But this Bill would make things worse. It would keep all the means of doing evil, and none of the means correcting the abuses which already existed. By the wars which he had enumerated no less than 26,000,000*l.* of money had been wasted by the Board of Control, over which the Board of Directors had no power whatever, although they were made by the Act of Parliament trustees for the proprietors to see the payment of the dividends. The dividends had been paid by them, although he doubted whether they ought to have been, there being no surplus revenue in consequence of the debt that had been incurred. It was, therefore, clear that the Court of Directors had violated the Act of Parliament in paying the dividends. India had, in fact, been ruined by wars, and it ought not to be permitted to any single man to have the power to involve the country in war. The first Burmese war, under Lord Amherst, cost the Company 13,000,000*l.* of money. His hon. Friend near him said all this was the result of a bad system. It was so, and now was the time to correct it. On the 7th of June, 1833, the Court of Directors came to the following resolution:—

> "That this Court desires to express the opinion they have so repeatedly expressed, that some measure of publicity, to be exercised as a rule, not as a privilege, is necessary to preserve to the Directors, in the altered state of things, that degree of independence which they regard as necessary to perform their part in the government of India; and the Court entertain the confident expectation that Parliament will make suitable provision accordingly."

Lord Glenelg said, "I agree that should be the case; you have it secured already, and you may rest satisfied." But publicity was not secured. The Secret Committee, consisting of the Chairman, Deputy Chairman, and senior Director, were consulted upon questions of peace and war by the President of the Board of Control; but an oath was administered to them not to divulge to another member of the Court what transpired without permission of the President of the Board of Control, and as he never gave his permission nothing could be known. The consequence was that the twenty-one other Directors were kept in utter ignorance, and orders were sent out to waste the resources of the Company, contrary, perhaps, to the express advice of the Secret Committee, and without their sanction. How it was the right hon. Gentleman (Sir C. Wood) did not propose to alter such a state of things, was to him quite incomprehensible. It was that system of secrecy which had been the bane and ruin of India. Wars had occurred that had absorbed the revenue, and prevented all beneficial public works—such as the formation of canals, the irrigation of the land, the construction of roads, &c. The capabilities of India had consequently never been brought forth. He contended that no single man—irresponsible as was the President of the Board of Control—ought ever to have the power of destroying the resources of a great country like India. In India itself the Governor General had to take the advice of every one of his Council, and if they differed from him in opinion they registered the reasons why they differed, to be sent home and judged of here; but if, after hearing all their opinions, the Governor General still entertained the same views, he was at liberty to carry them out upon his own responsibility; and the same system should be established in the Home Government between the President of the Board of Control and the Court of Directors. The President of the Board of Control ought to be the Minister for India. He would raise his position. His emoluments should be equal to those of the Chancellor of the Exchequer. If the Chancellor of the Exchequer were worth a salary of 5,000*l.* a year, the President of the Board of Control ought to be worth as much. He would raise his position in the eyes of the world, and make him responsible for his administration, with the Court of Directors as a council and a check upon him. He had now stated the principal grounds on which he rested his objection to the whole of these proceedings. They would be doing injustice, not simply to the Court of Directors, but to the people of India, by allowing a system so mismanaged in India to go on without check or control. They had been allowing a debt to be contracted and gradually increased until it had amounted to 35,000,000*l.* If they allowed India to be managed by political agency, like other colonies, that empire would soon be lost to us. It was on that account that he was anxious to remove the abuses now existing, in order that he might preserve India to this country. He would therefore remove such power of abuse, and take the benefit of the Court of Directors as a council, though he might be told that, there being thirty of them, they could not keep a secret. Did they not, he asked, keep a secret of the recall of Lord Ellenborough for a whole year? Did it ever transpire in that year? He denied, then, that this objection would hold. But at the same time he did not want secrecy—he wanted publicity. By publicity many errors would be avoided, and it was only owing to secrecy that the Court of Directors were charged by many intelligent persons with those abuses and negligences which were in truth attributable to the baneful influence of the Board of Control. Where irrigation had been stopped, it was by reason of the conduct pursued by the Board of Control; where the formation of roads and other public works had been interfered with, it was by the authority of the Board of Control, and not by the Government of India. The Court of Directors had been anxious to carry out all those public works. Great undertakings had been stopped by Lord Ellenborough, in order to wage that useless war which was now a millstone around the neck of the country. And now they were about to throw the proprietors into a position of doubt as to whether India could even be kept, and of course, therefore, whether they would or would not lose their dividends: their principal they would get out of the guarantee fund. He said that this was too hasty a measure, and that they were bringing in a Bill ignorant of all the facts charged against them with regard to the administration of justice. He protested against what was to be done to continue the exclusion of natives; the best part of the evidence taken upstairs showed that natives might be, and ought to be, trusted with offices. He thought the measure ought to be opposed in every stage. He thought it was a mad proceeding. He held that natives ought to be heard, and the people of India who complained ought to be heard, and he was confident that, whilst there was no fear from delay, there was great fear from such a crude measure as this.

After a few words of explanation from Mr. Blackett,

Mr. Hume

Question put, and *agreed to.*

Bill *ordered* to be brought in by Sir Charles Wood, Lord John Russell, and Sir James Graham.

CUSTOMS, ETC., ACTS.

House in Committee on the Customs, &c., Acts.

On the Motion that, in lieu of the present charges, oranges and lemons pay 8*d.* the bushel,

Sir WILLIAM JOLLIFFE said, that he approved the change that had taken place in now charging them by the bushel; but he thought the Chancellor of the Exchequer might have gone further than he had gone. Oranges and lemons deserved at least as much of his attention as apples, pears, or cherries, for they were enjoyed by the poor, and they did not interfere with any article of home growth; yet whilst those other articles were reduced one-half, oranges and lemons were reduced only about one-third. There was, on these grounds, no reason why he should deal with them otherwise than as he had dealt with other raw fruits; and, besides, it must be remembered that these were articles from foreign and distant lands—that there was a large and would be an increasing trade in them—and that the case was one in which all the advantages derivable from unrestricted trade would probably be derived. Whether, therefore, they looked upon these as articles not coming into competition with our own cottage and market gardens, or as a trade susceptible, by increased consumption, of considerable increase, either way he thought they should be put on the same footing as the other fruits he had mentioned; and therefore his proposition was that the duty on the mshould be 6*d.* a bushel instead of 8*d.*, the proposition of the Chancellor of the Exche-quer.

Mr. J. WILSON, being a freetrader, was not going to oppose the hon. Baronet's arguments, but would simply state the case. Hitherto the articles under consideration had been charged by the measure of the packages—an inconvenient mode. Now, not only had they reduced the duties, but they had also arranged to charge by the bushel; and, with regard to the rate fixed, they had seen a great many people connected with the trade, both wholesale and retail, who all thought the 8*d.* a very fair duty, and considered this a large reduction. He believed, also, that the hon. Baronet would find that the reduction was as nearly as possible one-half, though, from the awkward mode of charging before, it was difficult to estimate it precisely. However, those engaged in the trade were perfectly satisfied with the change, and only desired to have it with all convenient speed.

MR. HUME said, there was not a man, woman, or child, who was not benefited by oranges, and lemon juice was essential as a matter of medicine. He therefore wished the duty removed altogether. The amount was really trifling, and there was not a charge in the whole tariff the abolition of which would be a greater boon. The article came in competition with no one, and was beneficial to everybody.

The CHANCELLOR OF THE EXCHEQUER said, that with regard to the hon. Member's proposal, that these articles should come in free, he thought that the hon. Gentleman had given several very good reasons for its being so, and that those very excellent reasons might likewise be applied to several articles, including tea. Not a word fell from the hon. Member which would not have equally applied to a proposal for taking the entire duty off tea; and though it would be a very desirable thing to set oranges free, they must condescend in this as in other cases to cut their coat according to their cloth. The question came to be this—do you think that in making the financial propositions of the year we have reserved too great a surplus of revenue? With operations of such extent as we are proposing, do you think the surplus too great? The reduction with regard to oranges and lemons was not insignificant in point of revenue. The produce of the duty, at present, was between 80,000*l.* and 90,000*l.* The reduction proposed in the tariff was fully one-half that amount, giving a relief to the extent of 40,000*l.* He, however, calculated on an increase of consumption which would bring the revenue up to 50,000*l.* or 60,000*l.*, so that he did not reckon on losing more than 25,000*l.* by the proposed change. But if the duty was removed altogether, where was that sum to come from? The general opinion of the House, at the time he made his financial statement, was that the margin left was quite narrow enough. He then pointed out various elements which were necessarily uncertain, and he had found it necessary in one or two instances to make minor changes in the tariff, which would somewhat encroach on that narrow margin. That being the case, he trusted his hon. Friend the Member for Montrose and the Committee would be content with dealing in the same way with this article as with other articles—that they would proceed by degrees, and not make a precipitate reduction of taxation without providing resources to supply it.

SIR CHARLES BURRELL agreed with the hon. Member for Montrose, that the remission suggested would be a great boon to the poor, and trusted that the Chancellor of the Exchequer, on consideration, would be able to abolish these duties altogether.

SIR WILLIAM JOLLIFFE said, he would not press his Amendment to a division.

Resolution *agreed to.*

On the Resolution that a duty of 10*s.* per cwt. be paid on raisins (not of British possessions),

MR. MOFFATT objected to any distinction between the duty on currants and raisins, and moved, as an Amendment, that all currants imported into the kingdom be charged the same duty as raisins. He thought it unfair to levy a differential duty of 50 per cent against our own possessions, in favour of Spain and Turkey. The difference would be felt as a great grievance in the Ionian Islands, the staple produce of which was currants, the export duty on which was about one-fifth of their whole revenue. He trusted the Chancellor of the Exchequer would acquiesce in the justice of the Motion. The difficulty with respect to the revenue was sufficiently answered by the fact that since the Chancellor of the Exchequer stated that the loss by reducing the duty on raisins would be 70,000*l.*, he had received such information as must satisfy him that he would not lose a shilling. Viewing this as a question of consumption, and seeing that it adopted a distinctive duty against our own produce, he trusted the right hon. Gentleman would acquiesce in his proposition.

The CHANCELLOR OF THE EXCHEQUER agreed in all the propositions laid down by his hon. Friend, but differed from him as to the application of those principles. For the same reasons, but applying with greater force, which governed the Committee on the last vote, he could not consent to a further reduction in the duty on currants. It was true the growth of currants was of immense importance to the commerce of the Ionian Islands; but that was not exactly a good argument for the reduction of our import duties. He admitted that nothing could be stronger than the claim of the Ionian Islands to a favourable consideration; but on the question of a reduction of import duty it was impossible to look at that element of the case alone. We ought to endeavour to give increased vent for the products of countries in which we were interested; but it would be a fatal mistake to make that either an exclusive or even a primary consideration. The first thing to be looked at was this: should we, by reducing the import duty, reduce the price to the consumer? The next question was, what would be the effect of the reduction in a fiscal point of view? Would the duty recover itself after the reduction, or, if not, could we bear the loss? Until these two major questions were disposed of, they were not free to go into the other, whether the reduction would or would not be beneficial to the people of the country producing the article. Now, how did that matter stand? The hon. Member said it was proposed to establish a differential duty in favour of raisins as against currants. Now, in what sense? Not because they were the same article—not because the prices of the articles were the same, for he spoke near the mark when he said the price of currants was, as nearly as possible, double the price of raisins. This was an exceptional case. With respect to currants, there was almost an absolute famine; and if the Committee consented to take off 5*s.* or 6*s.* per cwt., the benefit of the reduction would not go to the consumer, and the revenue would not gain any considerable fraction. Currants were now at a famine price. In fact, they did not exist. All that could be drawn from that country had already been obtained. If this reduction were made, it would be neither more nor less than a present, partly to the population of the Ionian Islands, but in a greater degree to the importers. This was no slight matter. The revenue from currants, when there was a large consumption, was 400,000*l.*; in 1851 it produced 350,000*l.*; and last year, with a decreased consumption, the produce was 280,000*l.* On these grounds he felt satisfied the Committee would negative the proposition of the hon. Gentleman. Under different circumstances, and when there was a probability of a better supply, he did not deny that the question might be fairly reopened.

MR. MOFFATT said, after the statement of the right hon. Gentleman, he should not press his Amendment.

In reply to a remark from Mr. HUME, that a duty of 9*s.* 4*d.* per cwt. would facilitate the calculation of the duty,

The Chancellor of the Exchequer

The CHANCELLOR OF THE EXCHEQUER said it might be convenient if the duties charged were exactly adjusted to the subdivision of the coin; but a change at this moment in that respect might give way to another next year. The great question of a decimal coinage was now under serious consideration. A Committee was sitting to examine it, and many eminent men had expressed themselves strongly in favour of such a change, and it would be better to come to some conclusion on that point before readjusting the tariff.

Resolution *agreed to.*

On the Resolution fixing the duty on books printed prior to the year 1801 at 1*l.* 1*s.* per cwt.,

MR. COWAN suggested the propriety of postponing it until they came to the consideration of the duty on foreign paper.

The CHANCELLOR OF THE EXCHEQUER thought it undesirable to mix up the two questions. He did not think it desirable to levy any amount on books beyond what was necessary to cover the excise duty.

MR. COWAN said, that a statement had been made a short time ago that not one book out of three paid its expenses, and that not one pamphlet out of twenty was published without loss. This arose partly from the large amount of waste; and not long ago one publisher destroyed nearly 3,000 reams of paper in consequence of some error in the printing of a book. Circulars had been received by the London booksellers from a company in Jersey, which had been formed for the purpose of printing at a lower rate than in London, which they would be able to do by saving the duty on paper. Persons abroad would have a decided advantage over the publishers at home, and under these circumstances he proposed that the rate of duty should be 1*l.* 3*s.* 4*d.*—the same as on paper.

The CHANCELLOR OF THE EXCHEQUER said, this question was one which entered into our treaties with foreign countries, and we must be prepared to alter our literary intercommunication with them if we tampered with books which were the subject of treaty.

Resolution *agreed to.*

On the Resolution that the duty on stockings of cotton or thread be 6*d.* the dozen pairs,

MR. HUME said he did not see why the duty was retained, as it interfered with the principle of free trade.

The CHANCELLOR OF THE EXCHEQUER said, the reason why he had thought it proper to retain a low duty upon stockings and gloves was, that these articles were made up in this country by a very poor and ill-paid class of people, with whom the House had always felt disposed to deal tenderly. The whole sum was very small; but if they refused to retain the low duty now proposed, they would have to go further and strike out a great many other duties. They could not afford to adopt such a course at present, and in his opinion their best plan was to go on gradually reducing duties from year to year, watching the effect of the changes they made, and shaping their course accordingly. It was more especially incumbent upon them to proceed with caution in dealing with the articles under discussion, inasmuch as they interfered with the labour of a class of people who were deserving of sympathy and encouragement, but who did not quite understand the philosophy of free trade.

SIR JOHN TROLLOPE regretted to say that there was no class in this country who laboured for so small a sum as the stockingers of Leicester and Nottingham. He was glad to find that the Chancellor of the Exchequer was disposed to apply the principle of protection at least to one class of the community.

MR. HUME said, that taunt was well deserved. He did not wish, however, to divide the Committee.

Resolution *agreed to.*

On the proposal to reduce the duty on linen and cotton manufactures,

MR. CROSSLEY expressed his surprise that the Chancellor of the Exchequer, who he had always understood was a convert to free trade, should seek to retain a duty upon these articles. The right hon. Gentleman might say that the interests of the poor needlewomen of London required to be looked after; but that was the very reason why he wanted to see this protective duty removed altogether. He believed protection was an injury to them; and if the right hon. Gentleman did not agree with him in that opinion, he was not entitled to the name of a freetrader. He hoped the Committee would not continue protective duties on any kind of manufactured goods.

The CHANCELLOR OF THE EXCHEQUER said, it was one thing what should be argued out of doors by those whose business it was to look at questions from a particular point of view, and to consider them abstractedly, and quite another thing what should be said by those who were responsible for the proposals submitted to the Committee, and for their application to the immediate circumstances and condition of the people. The hon. Member seemed to think he was doing something peculiar in proposing to retain a small duty upon linen and cotton manufactures. Now he had two reasons for what he proposed. In the first place, he was acting in strict conformity with what had been the course of legislation for a long time past, namely, to proceed gradually in these matters; and, in the second place, he thought the hon. Member would find that if they were to set all these articles free from duty, they would involve themselves in a very embarrassing fiscal difficulty. Moreover, he had always considered that these were as much questions of policy as of revenue, and he could not but think that they would prejudice free trade if they gave good grounds for supposing they were indifferent to the condition of the helpless and suffering classes. But if they were to remove entirely the duty upon small articles of linen and cotton manufacture, upon what principle could they leave a duty upon silk, which produced a large and indispensable sum to the revenue? He hoped the hon. Member would not, at least in the present instance, attempt to enforce the rigid application of his principle, which he admitted was a good one.

Resolution *agreed to.*

On paper,

MR. COWAN said, he should have preferred the retention of a higher duty than that proposed; but he had no wish to divide the Committee, though he thought the manufacturer of paper had received very little consideration from successive Governments. They were still left under the odious thraldom of the Excise; but he hoped the Chancellor of the Exchequer, who adorned the office he so ably held, would ere long grant their entire emancipation.

MR. CAIRNS drew the attention of the Chancellor of the Exchequer to the hardships of the paper makers arising out of the excise regulations, and suggested that the customs duty should be raised to 3*d.* per lb.

Resolution *agreed to.*

On watches,

MR. SPOONER observed that by the 13 *Geo.* III. the gold for watch cases was allowed to be reduced to 18 carats fine. Gold of less value, however, was used by the foreign makers, and the effect was found to be very injurious to the English watchmakers.

MR. CARDWELL reminded the hon. Gentleman that if foreign watches were cheaper in the home market, English watches enjoyed a greater reputation abroad. The question whether a new mark for gold of 12½ or 13 carats, should not be introduced, was under the consideration of the Board of Trade.

The remaining articles were then *agreed to.*

House resumed; Committee report progress.

The House adjourned at half after Twelve o'clock.

HOUSE OF LORDS,

Friday, June 10, 1853.

MINUTES.] PUBLIC BILLS. — 1^a Copyholds. *Reported.*—Consolidated Fund £4,000,000. 3^a Burial Grounds.

GREAT WESTERN RAILWAY COMPANY.

The MARQUESS of BATH *presented* a petition from Salisbury and certain parishes in Wiltshire, praying the House to grant no further powers to the Great Western Railway Company till they shall have completed the line between Warminster and Salisbury. The noble Marquess said that the inhabitants of the district complained of the non-completion of this line, in consequence of which they were prevented from getting coals at a comparatively cheap rate from the north of England. The Great Western Railway Company, whose conduct in this matter had been marked throughout by a selfish jealousy, had obtained a Bill for the line, not with any intention of constructing it, but simply with the view of preventing the South Western Railway Company from encroaching on what they considered to be their own territory, and having got the Bill they now refused to make the line. Nor was this a local grievance merely, but a question of national importance; for the line, if completed, would considerably shorten the distance between Bristol and Portsmouth—a circumstance of great importance in case of a necessity arising for conveying troops from one place to the other at a short notice. A great principle was involved in this question, illustrating as it did the iniquitous conduct and bad faith of the Great Western Railway Company. The Petitioners before appealing to Parliament had endeavoured to obtain legal redress; and subsequently a deputation from them had waited on the President of the Board of Trade, and on the noble Earl at the head of the Government; but in both instances they had failed in getting relief. He (the Marquess of Bath) now wished to ask if Her Majesty's Government were prepared to make any inquiry into the case; and, if so, whether they would use their influence to prevent any further powers being granted to the Great Western Railway Company until the result of that inquiry should be made public? and, in case the Government were not prepared to institute any inquiry, he hoped that at all events they would not offer any opposition to a proposal for withholding the grant of any further powers to the Great Western Company until they should give some guarantee for the completion of this line.

LORD STANLEY OF ALDERLEY said, that this was one of a great many cases in which no doubt great inconvenience resulted to the public from railway mismanagement. It was well known that the law had decided that there was no power to compel railway companies to perform their contracts; and, therefore, he was afraid that Government could take no measures to enforce the fulfilment of these obligations. To make an *ex post facto* law, might have the effect of bearing hard upon other parties. Such a law might be all very well in a case like the present; but if they applied it to one case, they must apply it to all. With regard, however, to the future, the feeling of Government had been sufficiently shown by their proposing the Sessional order, which had been applied to every Railway Bill which had come before the House of Commons this Session, and which required that in the case of any railway company already in existence, and paying dividends, asking powers to construct a new line, they should be compelled to construct it within a given time under the penalty of having their dividends suspended; and that in the case of a railway company not paying dividends asking such powers, they should be called upon to pay down a deposit, which should be left in the hands of Government, and in the event of the Company not fulfilling their engagement it was provided that the deposit should be forfeited to the Consolidated Fund. It was also intended that this Sessional order should be continued in future years. With regard to the future, then, it would thus be seen that Government had taken such steps as were necessary for compelling railway companies to complete their contracts. With respect to the inconvenience which the non-completion of the railway in question occasioned to the districts of country in which it was situated, he was far from disputing that it must be very great. He would only call the attention of the noble Marquess to the fact that the powers which were granted to the Great Western Company in 1847, expired in 1854; so that next year it would be open to a new company to apply for powers to effect the works, if the Great Western Company should still decline to continue them. Under these circumstances, he did not see that the Government could interfere at all in the matter. If it should be the opinion of Parliament, or of a Committee of either House, that it would be expedient to refuse any further powers to the Great Western Company until they had completed the lines they had already commenced, it was for them so to decide.

LORD CAMPBELL said, it might be useful for their Lordships to know the existing state of the law on this subject. It had formerly been thought obligatory on railway companies to make the lines for which they had obtained powers, inasmuch as they got possession of the land and interfered with public rights; and a *mandamus* was accordingly granted by the Court of Queen's Bench to compel the construction of a line so contracted to be made. There had recently, however, been a decision in the Exchequer Chamber which set aside the judgment of the Queen's Bench, and determined that there was no power to issue a *mandamus* to compel a railway company to complete a line for which they had obtained an Act of Parliament. From that judgment there would be an appeal to their Lordships' House, and they would have to decide between the Court of Queen's Bench and the Exchequer Chamber.

The BISHOP of SALISBURY said, the principle which had been laid down by the noble Marquess that this great company should not be permitted to obtain any Bill for a new undertaking till they had completed those which they had already begun, appeared to him so plain and just a principle that he could hardly conceive it should not weigh both their Lordships and the House of Commons.

The EARL of MALMESBURY could not see any hardship in the course proposed by his noble Friend. The company had made a contract with Parliament and the public, and they had been empowered to raise money on the faith of it, which money they had spent for different objects from those they undertook to carry out. He thought his noble Friend had scarcely placed in a sufficiently strong light the great public importance of uniting, by railway communication, the Irish and the English Channel, and thus affording facilities for the conveyance of troops to any given part of the south and north-western coast. At present there was a distance of about forty-five miles on the south coast, or two days' march for troops, between Dorchester and Exeter, which was without any railway. He begged to lay on the table a petition from Salisbury, praying their Lordships not to empower the Great Western Company to make any new works until they had concluded those which had been referred to by his noble Friend.

LORD REDESDALE said, he believed the reason why the Great Western Railway Company had not completed that line between Warminster and Salisbury was, that a great many travellers would pass over it to Salisbury, and then proceed on to London by the South-Western Railway, instead of going round to Bath, and from Bath to London by the Great Western Railway, according to the existing arrangement. The fact was, that no efficient control could at present be exercised over the proceedings of railway companies; and he trusted that the eyes of Parliament would at length be opened to the necessity of conferring a controlling power in that matter upon some duly constituted public body. He believed that the Great Western Railway Company had money enough to construct that line, or any works of a similar character. He had himself demanded from that company a statement of their capital, but he had not yet received that statement; and until it should be furnished to him, he would not allow any Bills of this Company to be proceeded with.

Petition ordered to lie on the table.

ADMINISTRATION OF JUSTICE IN IRELAND—APPOINTMENT OF MR. KEOGH.

The MARQUESS of WESTMEATH rose to move an address to Her Majesty for papers connected with the administration of justice in Ireland in certain cases. The noble Marquess said, that he had taken upon himself to discharge what he considered to be a very disagreeable duty; but not having been able to bring himself to think that it was not a duty, he had come over from Ireland with regret for the purpose of performing it. The Motion was for an address to Her Majesty respecting the interference of the Irish Government with sentences which had been passed by competent authority upon prisoners in that country. He regretted to say that sentences so passed had been frequently reversed. Now, the reversal of sentences, unless in cases where the reversal was clearly justifiable, was calculated to have a very bad effect in any country. It was calculated to have even a worse effect in Ireland, he believed, than in this country; but, fortunately, such a thing was not attempted in this country, and, therefore, they could not calculate what the feeling would be if it were. In Ireland, however, when sentences were reversed, the disorderly part of the population immediately took upon themselves to wreak their vengence upon those they disliked, while the peaceable and well-affected were discouraged. The reversal of a sentence, if passed by a magistrate, was calculated to have a bad effect, because it brought odium upon him and his office; and if the sentence had been passed by a judge, the act was one of positive censure on the manner in which he had discharged his duty. The first case to which he had to refer had arisen out of the very violent conduct of some individuals in the town of Galway. It appeared that at a social meeting which had taken place in that town at the end of January, or the beginning of February last, the band of a regiment of the line had attended, and when the object of the meeting was concluded, the band played "God save the Queen." The two individuals to whom he referred, Messrs. Timothy Feely and Edward Roche, students of the college at Galway, hissed that performance of the National Anthem. Mr. F. G. Murphy, a magistrate of the district, remonstrated with them on the impropriety of their conduct. The matter did not go further at the moment; but on the following day these two individuals went to a place where they had met Mr. Murphy, the magistrate, and one of them, Mr. Feely, beat him on the face and on the person in the most inhuman manner; while his companion, Roche, who had accompanied Feely to the spot, looked on, but, he believed, did not strike any blow. The case was brought before the magistrates, who sentenced those two persons for what was called an aggravated assault, to a month's imprisonment with hard labour. That sentence was passed on the 3rd of February; but on the 7th or 8th of the same month the present Lord Lieutenant of Ireland ordered that the hard labour should be remitted to the prisoners. Now he (the Marquess of Westmeath) could see nothing in the circumstances of the case to justify that proceeding on the part of his Excellency. The heads of the Galway College, at all events, seemed to have taken a more unfavourable view than the noble Earl of the offence of those parties; for they had thought proper to rusticate them for twelve months, while the noble Earl had remitted their sentences. He believed that that transaction, and others of a similar character, showed that the Lord Lieutenant was anxious to acquire popular favour by a sacrifice of strict and impartial justice. His Excellency had pursued a similar policy in the case of a number of persons who had been sentenced to various terms of imprisonment, from twelve months to six months, and downwards, for very aggravated offences at the last election, and who had been so sentenced by Mr. Justice Perrin—a judge who was well known to deal very leniently with criminals. Again, the Lord Lieutenant had reinstated Mr. Kirwan in the position which the preceding Government had considered that he had justly forfeited by his conduct at one of the Irish contested elections; and he need hardly remind their Lordships that at the head of that Government there had been placed a nobleman who had won golden opinions from men of every party during his stay in Ireland. He wished it to be understood that he was then making no attack on Roman Catholics. He had himself many friends and relatives of that religion. There were branches of his family which occupied distinguished positions in Austria and in France, and all of whose members were Roman Catholics. He could sincerely say that he looked on the Roman Catholics of Ireland with the feelings which became one whose ancestors had all at one time professed that religion. But he could not approve of the conduct of the Government permitting the continued encroachments and aggressions of the Roman Catholic clergy—men whose hands were against every man, and who had had recourse to the most extraordinary and unbecoming proceedings for the purpose of returning their nominees to the House of Commons. In this very metropolis—in the centre of our civilisation—nay, in the Committee rooms of the House of Commons, a Roman Catholic priest had been seen making grimaces at a witness, with a view, no doubt, of influencing the evidence he had been giving on his oath before an Election Committee. Englishmen should bear in mind the extreme audacity of such an attempt to mislead a most important public tribunal; and they should also bear in mind what must be the conduct, and what must be the influence, among an ignorant peasantry of men who could be guilty of such a proceeding as that in London. He was not then directing any general attack against the Roman Catholics of Ireland. It had recently been said elsewhere that the Roman Catholics of Ireland were not loyal. But he believed that that statement was not true. He was sure that the upper classes among the Irish Roman Catholics were loyal to a man, and were ready to show their loyalty by every means in their power. But he confessed that he was not quite so certain that the nominees of the Roman Catholic clergy in Ireland were equally loyal, for they themselves sometimes said that they were not. But what were we to think of a Government who, by sanctioning the doings of these priests, placed us, to a great extent, under the influence of people who did not hesitate to declare that British affairs were vastly secondary to other considerations which they had in view? But the Government had thought fit to form an alliance with the Irish party; they had thought fit to nominate an hon. and learned Gentleman of that party to the post of Solicitor General for Ireland. He readily acknowledged the talents of that hon. and learned Gentleman; but he believed that Her Majesty's Ministers could not have been aware when they had made that appointment of an occurrence which he would state to their Lordships, while he felt that it was one of which they ought not to have been in ignorance. At the last election for the county of Westmeath, Mr. Keogh, although he did not hold, as he (the Marquess of Westmeath) believed, a single acre of land in that county, canvassed the electors in favour of a gentleman who was ultimately elected. In the course of that canvass a meeting was held in the open air, in the town of Moat, at which Mr. Keogh had, according to the testimony of three magistrates who had been listening to the hon. and learned Gentleman, used language which he (the Marquess of Westmeath) would repeat to their Lordships. "Boys," said the hon. and learned Gentleman—for in Ireland every male between the age of sixteen and sixty-five was a "boy," and the women even, who in a row could fling stones as well as the men, were sometimes included in the epithet—"Boys, the days are now long, and the nights are short. In the autumn the days will be getting shorter, and the nights longer. In the winter—in November, boys—the nights will be very long; and then let it be remembered who voted for Sir Richard Levinge." It should be observed, that Sir R. Levinge was the opponent of the gentleman whose claims were supported on that occasion by the present Solicitor General for Ireland. Now, the words he had just quoted had in Ireland at least a very serious import. In the month of January last Her Majesty's Government had obtained evidence against several persons implicated in the Ribbon conspiracy in the north of England and in Ireland; and it was a remarkable fact, that the words contained in one of the documents discovered among the conspirators in Lancashire very closely resembled those words which had been used by the Irish Solicitor General. Their Lordships might say that these words were mere gibberish—to the uninitiated they might be so, but to the initiated they were full of meaning. In that document there was the following passage:—"The summer is approaching, and the short days are gone, Friendship will flourish; yes, and then the days will get long. May freedom rule by land and sea, and death to him who shall betray!" The Solicitor General for Ireland might in the natural course of things expect to be made a Judge at no very distant period; and he (the Marquess of Westmeath) wished to know whether Her Majesty's Government would be prepared to raise to the bench the man who had used the language he had quoted; and three magistrates, he would repeat, would be ready to depose to the fact, that the hon. and learned Gentleman had addressed those words to a crowd in the town of Moat. The magistrate who had first communicated the intelligence to him, informed him that a poor farmer, who was standing by his side, had said to him at the time, "What would be done to me if I had used those words?" He (the Marquess of Westmeath) had referred to the case, not for the purpose of making an attack upon Mr. Keogh, but in order to show the dangerous policy which Her Majesty's Government were adopting in Ireland. That policy was evinced by the mode in which they had enlarged prisoners in that country, and it was also evinced by their conduct to the soldiers, who, after having been engaged in defending the law at Six-mile Bridge, had been placed in the dock as culprits. There was another subject to which he thought it advisable that he should refer at that moment. The hon. and learned Gentleman the present Solicitor General for Ireland had been entertained at a dinner by his constituents in Athlone; and what would the noble Lord, who had introduced the Ecclesiastical Titles Bill, say to the fact, that the first toast at that dinner had been "The Pope," which had been given with "nine times nine," while the "Health of Her Majesty," which had followed, had been given "with the usual honours?" He held in his hand a list of the toasts which had been proposed at that dinner. First upon the list was "The Pope," and then came "The Queen;" and the hon. and learned Gentleman Mr. Keogh was, as he (the Marquess of Westmeath) had been informed, present upon the occasion when those toasts were thus given. He was sorry to find that the Government should have selected for a position connected with the administration of the law in Ireland a person who could be capable of entertaining sentiments and opinions such as those which had been attributed to the hon. and learned Gentleman in question. He regretted extremely to have been obliged to bring forward the topics which he had brought under their Lordships' notice that evening; but he had done so because he believed it to be a duty which he owed to himself and to the country to call the attention of Parliament to a state of things of whose existence he could by no means approve.

The EARL of ABERDEEN said, that he knew nothing whatsoever of the circumstances connected with the late election for the county of Westmeath, nor of the speeches which had been delivered at the time of that election. If the noble Marquess had given notice that it was his intention to bring that subject before their Lordships, he (the Earl of Aberdeen) should have endeavoured to obtain some information upon the subject; but he had addressed his attention entirely to those points of which the noble Marquess had given notice, and was completely ignorant of the character of the speeches which had been delivered at the hustings in Westmeath. He should, therefore, without adverting further to that subject, immediately address himself to reply to the noble Marquess in connexion with the particular questions with respect to which he had placed a notice upon the paper. He was happy to be enabled to congratulate their Lordships upon the circumstance that the state of Ireland was at the present moment so tranquil, so free from disturbance of every description, that the noble Marquess had been compelled to bring under their notice a matter which in importance was very slight indeed, and afforded but very inconsiderable ground for complaint. The noble Marquess had stated that persons who had been condemned for certain offences in Ireland, had been arbitrarily released. The two cases to which the noble Marquess had referred were as follows:—The first case was that of two students of the Queen's College in Galway—and he (the Earl of Aberdeen) wished to assure their Lordships, with respect to the parties implicated in that case, that he had not the slightest conception whether they were Protestants or Roman Catholics. One of the students to whom he had just referred, had, it appeared, been present upon some occasion upon which the air of "God save the Queen" was played, and refused to take off his hat; upon which a gentleman, Mr. Murphy, who was standing near him thought proper to knock it off. The assault to which the noble Marquess had called their attention was the consequence of this proceeding, and the two students were sentenced to ten or twelve days' imprisonment, with hard labour, according to the Statute. But the very magistrates who had passed this sentence had forwarded a recommendation to the Lord Lieutenant of Ireland to the effect that it would be desirable to remit that portion of the sentence which enjoined hard labour, inasmuch as those upon whom it had been passed were physically unable to undergo the hardships which would be consequent upon its execution. It was precisely and altogether upon this recommendation of the committing magistrates that that part of the punishment had therefore been remitted by the Lord Lieutenant; and he felt persuaded that their Lordships would not be inclined to condemn the conduct of his noble Friend in exercising his clemency under all the circumstances of the case. The next case to which the noble Marquess referred, was that of ten or twelve persons who had been engaged in a riot which took place at the time of the late election in the city of Limerick. Those parties were sentenced by Mr. Justice Perrin to several months' imprisonment, and a petition very numerously signed was presented to the

Lord Lieutenant praying for a remission of their sentence. The Lord Lieutenant had not acted in reference to the matter with the caprice which the noble Marquess had imputed to him, but had referred the case to the Judge by whom the parties in question had been tried; and it was only in accordance with his recommendation that a portion of their sentence had been remitted. Now, he (the Farl of Aberdeen) believed that that was the course which it was usual to pursue in such cases; and his noble Friend had assured him that under no circumstances whatsoever had he remitted any sentence which might have been passed, except he had the concurrence of the Judge who passed that sentence in taking such a course. He thought it was quite unnecessary for him to make any observations with regard to the case of Mr. Kirwan, as that case had been completely disposed of by the discussion which had taken place a few weeks ago. He begged leave to say, in conclusion, that he had not the slightest objection to produce the papers for which the noble Marquess had moved. If the noble Marquess had any curiosity to ascertain the manner in which the recommendations in connexion with the cases to which he had called their attention had been made, he was perfectly welcome to peruse the documents in which those recommendations were conveyed. He should, however, decline to produce the confidential report made by the Judges, inasmuch as it was not usual to adopt such a course. That document had, he believed, not been in direct terms moved for; and he, therefore, had only to repeat that he should give his entire concurrence to the production of those papers which the noble Marquess had moved to have laid upon the table of the House.

The Marquess of CLANRICARDE thought that the noble Lord opposite (the Marquess of Westmeath) had been greatly misinformed upon this matter, for he had made several mistakes in the statement which he had made to the House. Thus he had stated that the assault was upon a magistrate, but such was not the fact—there was no magistrate of the name in Galway. [The Marquess of Westmeath: He might be a county magistrate.] He (the Marquess of Clanricarde) said that it was not so. Mr. Murphy was no doubt a most respectable man; he (the Marquess of Clanricarde) believed him to be a young professional man of much ability; but he was not a magistrate. The real facts of the case were these. When the student, to whom reference had been made, refused to take off his hat, he was turned out of the room, and in that proceeding Mr. Murphy made himself very conspicuous. Upon the following day this student, with another, met Mr. Murphy, and his conduct of the preceding day having been referred to, an assault on Mr. Murphy was committed. That gentleman very properly made his complaint to the authorities; and the two students were sentenced, not to ten or twelve days, but to one month's imprisonment, with hard labour. When he (the Marquess of Clanricarde) added, that one of these students, being rusticated, lost an entire year of his academical course, he did not think that the House would consider the course pursued by the Lord Lieutenant was over lenient. With the election speeches of his hon. and learned Friend the Solicitor General for Ireland, he, of course, had nothing to do; he would, however, venture to say that the noble Marquess opposite had made words spoken during the heat of an election vastly more important than they deserved.

The Earl of DERBY thought the statement of the noble Earl opposite (the Earl of Aberdeen) quite conclusive with respect to the two cases which had been brought forward by his noble Friend. If, with regard to the first case, the remission took place in consequence of an application by the same justices who convicted, and if, with regard to the second case, the sentence was remitted in consequence of a reference made to the Judge by whom the penalty was inflicted, and in accordance with the recommendation of that Judge, he did not think his noble Friend had any strict ground for requiring the production of these papers. He understood the noble Earl to say that the Limerick case, of which he (the Earl of Derby) knew nothing, was in accordance with the recommendation of the Judge. If he stated that in his place, as a Minister of the Crown, there would be an inconvenience in asking for the confidential report of a Judge. The Lord Lieutenant, it appeared, did not act on his own mere motion, or merely on the application of parties who might be interested, but who had no right to advise the Government. That being the case, he ageeed that it would be inconvenient to produce papers which involved an unnecessary interference with the administration of justice. But he thought the noble Earl and the noble Marquess opposite had both dealt rather too lightly with another part of the case, although it formed no part of the Motion—he meant the language imputed, correctly or incorrectly, to the hon. and learned Gentleman who was now Solicitor General, at the election for the county of Westmeath. The noble Marquess had hinted that there was a tribunal for inquiry into contested elections, and that such matters did not concern their Lordships' House. So far as the effect produced on contested elections was concerned, undoubtedly that was no subject for inquiry before their Lordships: there were proper tribunals to inquire whether an election was vitiated or not. But the noble Earl had treated too lightly the practical moral effect, not of the language of the hon. and learned Gentleman, but the effect that it might immediately, or shortly afterwards, produce on the public feeling, seeing that he had been selected by the Government to fill an important office connected with the maintenance of the law. The noble Earl had said, and he was bound to believe him, that he knew nothing about these election speeches. Now it was a matter of such general notoriety that such language had been held that he could hardly believe the subject had not been brought under the notice of the noble Earl. He was bound to give the noble Earl credit for what he had stated; but it was extraordinary, when the matter was publicly and generally reported, that he should not have known, at the time of Mr. Keogh's appointment, that he had made that speech. Let their Lordships observe what had occurred. The county of Westmeath was one in which Mr. Keogh had not a foot of land. He was acting as a leader or partisan in his cause—liberal in some respects, but illiberal in others—and in that capacity, having been a Member of the former Parliament, and a candidate for a seat in the next, and intending to make his support valuable to the Government, he was reported to have warned the people that the nights were then short and the days long—that the time was coming when the nights would be long and the days short—and that that would be the time at which any person who might vote for Sir R. Levinge for Westmeath ought to look out for what might follow; and if he (the Earl of Derby) was not much mistaken, there was a recommendation that the people of that county should collect together and go into the town of Athlone, for which he was himself a candidate, armed with shillelaghs, and taking care to use them when they got there. There might in what he had stated be greater or less incorrectness of details; but he would affirm that if anything of the sort had been said by Mr. Keogh—and what he had said on the occasion had been said so openly and publicly, that the facts were easily ascertainable—then, certainly, such language, or any language of the sort, should have been taken as wholly disqualifying the person who uttered it for any office in the Government which, in the slightest degree, had reference to the administration of the law. He must say, it appeared to him that the appointment by the noble Earl of the person who had uttered this most violent and exciting language to a legal office in the Government of the country, was eminently calculated to have the effect, and he feared it had already had the effect, of shaking whatever confidence the people might have had in the sincerity of the desire of the Government to put down disorder and to uphold the law—of creating a general belief that the system of impartiality acted upon by his noble Friend behind him (the Earl of Eglinton), while Lord Lieutenant of Ireland, was about to be departed from.

The DUKE of NEWCASTLE said, it was unnecessary for him, after the speech of his noble Friend (the Earl of Aberdeen) to say one word with reference to that part of the case which had been brought forward by the noble Marquess, as affecting the Lord Lieutenant; for his noble Friend had completely established his own case, and refuted every position of the noble Marquess. But there was another person whom the noble Marquess had chosen to attack, and that without having given the notice which he ought to have given, that individual being a Member of the other House, and holding office under the Government. He confessed he was somewhat surprised that the noble Earl opposite (the Earl of Derby) had departed from the prudent course of not assuming upon the instant that every fact brought forward in the shape of an accusation by the noble Marquess required to be investigated. He had occupied a seat in the other House of Parliament at the same time as the noble Earl, and when a case of this kind was brought forward there by a Gentleman from the sister island, they were in the habit of saying, "I wonder whether that is an Irish fact." Now he thought he should be able to show that the fact of the noble Marquess —he did not say it offensively—was only an Irish fact; and he might describe, without offence, Irish facts to be a species of facts susceptible of being, upon analysis, considerably modified. The noble Marquess had ostensibly brought forward the case of the remission of eleven sentences in order to make an attack on the Lord Lieutenant; but its real object seemed rather to be to throw a certain amount of dirt upon an honourable Gentleman not in that House, and holding high legal office. When an accusation of that kind was made without notice, to use a common phrase some of the dirt so thrown would stick; and whatever contradiction might be made twenty-four hours afterwards, a certain amount of credence would attach to the original statement. The noble Earl had improved the occasion by turning this statement against Mr. Keogh into a charge against the Government, and he said they were bound to have known of Mr. Keogh's speech, and that they ought not to have appointed the hon. and learned Gentleman under such circumstances to the office which he now held. He really did not know whether the noble Earl had suddenly found out that it was the duty of every one entrusted with the formation of a Government, to be acquainted with the speeches of every one of his followers, and that he was not only bound to ransack *Hansard*, but the chronicles of each county in which he may have stood a contested election, for that purpose. Above all, he did not know whether the noble Earl had suddenly become a convert to the opinion that this was especially his duty as regarded the appointment of a Solicitor General. Not many months ago—about this time last year—the noble Earl, on being asked whether he entirely concurred in every opinion expressed by Sir Fitzroy Kelly on the subject of Protection, in the county for which he was a candidate, declared that he was not responsible for what Sir Fitzroy Kelly, his own Solicitor General, had said—that he had not time to read the newspapers; and now the noble Earl turned round upon the Government, and said, with an amount of pathos which must undoubtedly have affected their Lordships, "It is certainly a most lamentable result that the appointment of that hon. and learned Gentleman to be Solicitor General for Ireland has had the effect of making many persons in that country doubt whether it is the intention of the Government rightly and fairly to carry out the law." The noble Earl must recollect that the fact of those speeches of Sir F. Kelly—which never were denied, and which could not be denied—did attach considerable doubt to the intentions of the Government of the noble Earl, and to his declarations as to a protective policy. He would not pursue this subject further, because he was fully prepared to meet the case; but he wished to remark that if on future occasions similar statements should be made, little faith ought to be attached to them, until the circumstances could be fully investigated. The noble Marquess said, he had felt it his solemn duty to bring this charge against the hon. and learned Gentleman— [The Marquess of WESTMEATH: Against the Government.] He accepted the correction most readily. The noble Marquess had preferred the charge in the performance of his solemn duty. Now, the noble Marquess was not merely a Member of their Lordships' House; he was the Lord Lieutenant of the county in which, according to his own account, these transactions took place. Had he completely fulfilled his duty in not bringing the matter under the notice of the Government before this? The noble Marquess said, he did not trust the Government, and did not think they would carry out the law fairly; and he accused the noble Earl at the head of the Irish Government of being a popularity hunter, and therefore he did not think fit to bring forward this accusation except in the present form. But that was no justification for the noble Marquess. When did this "fact," in the sense in which he had used the term before occur? When did it take place? In June last year. Who was at the head of the Government then? The noble Earl opposite. Who was his Lord Lieutenant? The noble Earl at his side (the Earl of Eglinton). Why did not the Lord Lieutenant of Westmeath bring forward this accusation then? And if he did feel it his duty to bring it before the Government, why did not the Government investigate the charge? He did not say that that was the duty of the noble Marquess; but he certainly had no right to make party attacks on the present Government, when he did not pursue a course which he might have done in his capacity of Lord Lieutenant of Westmeath. He now came to a more important part of the case, and was in a position to give the noble Marquess a complete answer. The noble Marquess and the noble Earl said, the Government ought to be in a position to state whether this was true or not. He had already said, that, following the example of other heads of the Government, his noble Friend was not aware of any such speech having been delivered by the hon. and learned Member for Athlone. For himself, he could say that he had never heard of the accusation until it was brought forward by the noble Marquess; and he believed he might say the same for all his Colleagues. But when his noble Friend (the Earl of Aberdeen) rose to reply to the noble Marquess, he went where he thought he should obtain correct information, and there saw the hon. and learned Gentleman himself, who had authorised him to say that the speech quoted by the noble Marquess was a newspaper fabrication—that he never did make such a speech—that, to the best of his belief, not one word of what had been quoted by the noble Marquess fell from him; and the whole tenor and purport of what he did say had been entirely and utterly perverted. The reason why his noble Friend the noble Earl at the head of the Government was not able to answer the noble Marquess on this subject was, that he had had no opportunity of making any communication with the hon. and learned Gentleman. But was the noble Marquess aware, when he made this statement, that the hon. and learned Gentleman had already positively denied the accuracy of that statement? He (the Duke of Newcastle) said the noble Marquess was, because he knew that an individual had conveyed the denial of his hon. and learned Friend to the noble Marquess. And yet the noble Marquess had not the candour or fairness to inform any noble Lord on that (the Ministerial) side of the House, that he was about to make this accusation; but had brought forward this accusation against an hon. and learned Gentleman holding the important office of Solicitor General for Ireland—although that hon. and learned Gentleman denied it to a friend of the noble Marquess—and had turned it into an attack upon the Government. He thought he had satisfactorily proved that it would have been unfair to turn it into an attack against the Government, even if it had taken place; and that it was equally unfair to bring forward such an accusation, affecting the character of an hon. and learned Gentleman a Member of the other House, without giving notice of his intention to do so; and he hoped he had also substantiated the fact, as far as the word of an honourable man could go, that the statement brought forward by the noble Marquess was as baseless as the accusation he had brought against his noble Friend the Lord Lieutenant of Ireland.

The EARL of EGLINTON said, he was at a loss to understand how the noble Duke could draw a parallel between the case of a Solicitor General of a Government who was merely making a speech with regard to the political questions of the day, and with regard to his own private opinion upon a question which at that very time was in abeyance, and was, as avowed by his noble Friend (the Earl of Derby) to be determined by the decision of the country, and the case of a private individual making a speech—if he did make that speech—in which he avowed, and openly recommended, assassination and riot. But when the noble Duke asked why, if it was the case that the hon. and learned Gentleman the present Solicitor General for Ireland had made such a speech, it was not brought by the noble Marquess to the notice of the late Government in this country or in Ireland, he would tell the noble Duke the reason. Mr. Keogh was a private individual; and certainly he (the Earl of Eglinton) had no intention of recommending him at any future time to be Solicitor General of Ireland, and he believed his noble Friend never had the intention of offering him such an office; but he assured their Lordships, that if every man had been prosecuted for every violent speech he had made on the hustings at the last general election in Ireland, the law officers of the Crown would have had a very busy time. But the case now assumed a totally different character from what it did when the noble Marquess brought it forward, and the noble Earl refused to give any opinion on the subject in consequence of no formal notice having been given. The question was now one of truth or falsehood. Did Mr. Keogh, during the last election for Westmeath, on the hustings at Moat, use expressions which in Ireland, or almost any country, could bear no other construction than that he distinctly recommended to the persons he was addressing at a future period, when the long nights came, if not assassination, most violent outrage? The question was whether that was true or false. He had listened to what the noble Marquess said, and he believed what he had stated was very much the same in substance with what he had hitherto believed, and which he should continue to believe, to be the words used by Mr. Keogh upon that occasion, until the denial of them was distinctly proved. He was bound, of course, until it was proved, to believe that Mr. Keogh meant what he now said; but the noble Duke said Mr. Keogh contradicted the words now used by the noble Marquess. He would not say the exact words put by the noble Marquess were used, because he might have transposed them in such a way as to change the meaning of them; but he must say he did put great credit in the assertion he had before heard, and which was now made by the noble Marquess, that three magistrates of the town of Moat had heard that language and believed it; but he had another and a stronger reason for believing that the words referred to by the noble Marquess were used by Mr. Keogh on that occasion. He had seen, and he had in his possession, an affidavit sworn before a magistrate by, he believed, a respectable man present upon that occasion, ascribing words almost identical with the words ascribed to Mr. Keogh by the noble Marquess. He could only say what he had heard and seen. He was bound to believe that noble Lords opposite had no knowledge of those words having been used, because they said so; and he was also bound to believe Mr. Keogh's assertion, unless that assertion could be disproved; but after what had passed in the House upon that occasion—after the assertion made by the noble Marquess that there were three magistrates ready to swear that the words were used—after he had stated to their Lordships upon his own authority that he had an affidavit to that effect sworn before a magistrate in Ireland—he thought the subject ought not to be lightly disposed of, but ought to be maturely considered by their Lordships in that House, or by a Select Committee, or by any other means that might be thought proper. He must say, that he thought the appointment of Mr. Keogh the least reputable appointment of the present Government.

The DUKE of NEWCASTLE said, he did not wish to throw any personal acrimony into the discussion; but he was almost compelled to make a remark on the last sentence of the noble Earl's speech, which would commit Members of the late Government; and he believed the noble Earl knew what he meant.

The EARL of EGLINTON: I do not know or care whom it may commit; but I will not be committed for one moment before your Lordships by any hint or inuendo. [*Cheers.*]

The DUKE of NEWCASTLE: Then, as noble Lords opposite cheer, I suppose they wish me to state, and I will state, what I allude to. My statement is this—that I have been assured, when the noble Earl says the appointment of my hon. and learned Friend (Mr. Keogh) is one of the least reputable acts of the present Government—and I have it on the best possible authority—that a communication was made by a noble Lord who occupied an office under the noble Earl opposite, before the completion of the arrangements of his Government, which was supposed to come from the noble Earl opposite, at the head of the Government, to inquire whether my hon. and learned Friend would take office under him. That is my answer to the statement of the noble Earl; and my reason for not stating it broadly in the first instance was, that I did not wish to bring the noble Earl (Lord Derby), who did not say the appointment of my hon. and learned Friend was disreputable, in any statement before the House. I have now made it. I did not rise for this purpose. I merely rose not to allow the noble Earl to slip out of his statement, because he has made two most opposite assertions as to his belief; he said he had the fullest intention of believing the statement of the noble Marquess until it was disproved, and also of believing his hon. and learned Friend until it was disproved; but what I want to reassert is this—there was no equivocation whatever in the denial, and, of course relying on the personal honour of my hon. and learned Friend, I made the statement to the House; but he did not authorise me merely to contradict the words stated by the noble Marquess, but a great deal more than those words; he positively and distinctly denied that any words he had uttered on the occasion referred to bore the signification represented by the noble Marquess, or that there was the slightest truth, or vestige or shadow of truth, in the accusation brought forward. I rose to make that denial as distinctly and clearly as possible.

The EARL of DERBY: I think it is my duty, after what has been stated, to say that I have heard of the rumour to which the noble Duke has alluded. I heard it, for the first time, after the appointment of Mr. Keogh had called forth a great deal of observation in Ireland, and had been loudly condemned. I heard it put about by Mr. Keogh's friends that a certain offer had been made, and I lost no time in authorising every person who might hear that, to state on my authority that I did not know, nor have I ever authorised, nor did I then believe, nor do I now believe, that any such offer, proposition, suggestion, or hint was ever made to Mr. Keogh.

The EARL of EGLINTON: I distinctly deny it on my part, and I tell the noble Duke that I did not know that such a rumour had existed.

The DUKE of NEWCASTLE: I stated to the noble Earl across the table the name of the individual who is represented to have made the communication to my hon. and learned Friend.

The MARQUESS of WESTMEATH, in reply, said the noble Duke had challenged him to deny that Mr. Keogh had communicated to him that he had never made the speech alluded to; and he admitted that that communication had been made; but then, on the other hand, he had the authority of three magistrates to the contrary. At the late elections in Ireland unparaleled violence had been committed, and the enlargement of the persons to whom he had referred was calculated to have a bad effect. He understood that it was the intention of the Government to bring forward a measure next Session to put a stop to bribery in England; and he trusted that they would also propose a measure to put a stop to unconstitutional violence in Ireland.

The EARL of CLANCARTY considered that a satisfactory explanation had been given with respect to the cases referred to in the Motion, but thought a portion of the papers moved for—namely, a copy of the Memorial in the case of the Limerick prisoners, might be produced.

The EARL of EGLINTON was also of opinion that the explanation of the noble Earl at the head of the Government in respect to the two cases mentioned in the Motion ought to be deemed satisfactory, and recommended the withdrawal of the Motion.

Motion, by leave, withdrawn.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, June 10, 1853.

MINUTES.] PUBLIC BILL.—2° Succession Duty.

SUCCESSION DUTIES BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

SIR JOHN PAKINGTON, said that it had been his intention to resist the second reading of the Bill, and to have moved the usual amendment that it should be read a second time that day six months, because entertaining strong objections to it upon principle, he had intended to have availed himself of this the proper opportunity for opposing it on principle. But after what had occurred, he did not intend to adopt that course. He found that, in consequence of the manner in which this Bill had been postponed, his friends on that side of the House—not being at all aware when it would come on—had not anticipated its discussion until the schedules were prepared, and were therefore not now ready to enter upon it. Having consulted several of his friends who desired to express their opinions on the principle of the Bill, he thought that it would not be convenient to take the discussion that night, but to allow the Bill to be read a second time without opposition, distinctly reserving to themselves the right to discuss the principle of the Bill on the Motion that the Speaker do leave the chair, in order that the House might go into Committee upon the measure. He hoped there would be no misunderstanding as to the day when that debate would come on—that they would have that fair notice of it to which the House was entitled, and that in the meantime the schedules would be printed and distributed.

The CHANCELLOR OF THE EXCHEQUER said, that he thought, after the statement of the right hon. Gentleman, it would be convenient to the House to commence the discussion which he had stated his intention to raise on going into Committee upon Monday next. He had only now to discharge a pledge which he had formerly given to the House, that he would on the second reading of the Bill state generally the proposals which Government intended to make with respect to corporate bodies. The Government were of opinion that, on the one hand, it was obviously just and right that if a succession tax was to be imposed on property passing from one private individual to another, it would not be just that the property of corporations, which enjoyed the same privileges and the same protection under the law, should be exempted from some corresponding payment. The question then arose in what way that payment should be made. Corporations never die, and if the Government had adopted the plan of imposing upon them a tax, assumed or calculated to be equivalent to a succession tax, once in twenty-five or thirty years, it would have been very difficult indeed to say when that cycle should begin. Corporations would have fairly objected to its being assumed that they all died on the coming into operation of this Act. Besides it seemed more convenient, as there was nothing analogous to succession in the case of corporations, to propose a commutation in the shape of an annual tax, instead of laying on one in the lump on the capital of the property. They had then to consider in what way it should be framed in reference to the question of amount; whether the commuted tax adapted to the continuous existence of corporations should be fixed as to its amount, on the assumption that the transmission of their property was analogous to the transmission of the property of individuals in the direct line, or to its transmission from one set of strangers to another, or to what intermediate case. The Government had thought it would not be fair to take either of the two extremes. They proposed that upon corporate property, speaking generally—for there were important qualifications to that statement—there should be ultimately laid an annual tax of 6*d.* in the pound on the net revenue as an equivalent for the succession duty; but that for the period of seven years from the 5th of April last—inasmuch as it would not be fair to cause the duty to accrue fully from the period of the imposition of the succession duty, the tax should be 3*d.* in the pound; but that after the 5th of April, 1860, the rate should be 6*d.* in the pound. Then with respect to the various descriptions of corporations, they had to consider how far this tax ought to apply to these corporations universally—how far some should be exempted, and how far other bodies ought to be considered as corporations for the purposes of the succession tax. He would glance very briefly at the different classes of corporations. It was quite obvious, with respect to municipal corporations, that the House would act safely in adopting a rule corresponding with that which had been adopted in the Act imposing the income tax—namely, the rule which considered as liable to the tax the realised property of corporations, but exempted from the tax such of the revenues of the corporation as were derived from rates and taxes laid upon the community. With respect to trading corporations, he did not consider that they fell within the purview of a plan of this kind at all. They were corporations to carry on business; the whole proprietary interest in them was divided into shares; it was represented in the form of individual property, and in that form was liable to the succession tax. They now came across a very large and a very miscellaneous class of corporations, which must be called charitable or eleemosynary corporations. This included the charities of the City of London, academic corporations, and schools and colleges and ecclesiastical corporations aggregate, and all these would be dealt with under the proposition of the Government in the same way, namely, under the rule he had already described, and would be subject to a tax of 3*d.* in the pound on their aggregate revenues for seven years, and would be taxed at the rate of 6*d.* in the pound thereafter, as an equivalent for the succession tax. He had alluded now briefly to all the important class of corporations aggregately, with the exception of one limited class, which was not of importance in a fiscal point of view, but which interested the feelings of many persons, and he might therefore refer to it specifically. He referred to religious corporations strictly so called, and benevolent societies which were supported in the main by annual donations or by the results of invested donations and subscriptions; and with respect to these they did not propose that they should be subject to the tax at all except in reference to such portion of their property as they might have derived from bequests, or as they might have been in possession of anterior to the commencement of the present century;—because nothing was more antagonistic to sound policy and repugnant to the feelings of the House and the country, than to lay upon the donations and contributions of living persons, which really represented the principle of charity in its full and free action, anything in the nature of a tax. The House showed a just disposition to draw a distinction between that which was done by men in their lifetime as an act of self-denial out of that which they would otherwise enjoy, and that which, though they were permitted by law to give, was in reality not their gift at all, but that which they took away from their natural heirs and successors, and which was usually called death-bed charity. He had now done with the question of corporations aggregate; but a question of considerable difficulty arose from the provisions of the law which recognised besides another description of corporations under the denomination of corporations sole. He believed they were exclusively—the exceptions were quite insignificant—and they were, in point of fact, the clergy of the country. The cases of the incumbents of all our parishes, and the bishops, were cases which it was desirable for them to consider as corporations sole. The question was, how they were to be regarded? Ought the provision which had been made for the support of those corporations sole to be considerate as corporate property, and made on that account liable to the tax, or ought it to be regarded as a provision made for the discharge of certain official duties? The two views with respect to the corporate character and the official character met at this particular point, and the whole question really turned upon this—would they say they were corporations according to the doctrine of law, and, excluding their official character, subject them to the tax; or, on the other hand, would they say their incomes were a mere provision for the discharge of official duties, and that therefore they should no more tax a clergyman on his accession to a rectory than they should tax any Judge in Westminster Hall on his accession to a Judgeship? The Government had considered the question, and their opinion was, decidedly, that the sound and fair view to adopt as the basis for legislation would be this—that the provision for the ecclesiastical offices, though regarded by law as corporations sole, ought to be regarded as a provision for the discharge of certain duties, and that therefore the acquisition of those offices ought not to be taxed as a succession. He might say there was another very good reason—rather in the nature of a grievance as it stood—why they should not be taxed as a succession, namely, the present provisions of the law which entailed a very heavy expense upon the accession to these offices. Whether on that ground, or on the general ground, he had no doubt the House would be of the same opinion as the Government, that the large portion of ecclesiastical property that was devoted to the support of corporations sole should not be considered property for taxation under the Bill which lay upon the table, any more than the income of the Lord Chancellor or the Chief Justice of the Queen's Bench, and that the two kinds of succession formed equally no matter for consideration in an Act of this kind. There was only one other point upon which he wished to remark. The Government proposed to tax corporations generally, making the Bill bear upon corporations aggregate, and excluding corporations sole. He had stated what would be the exceptions to the rule. He would now state, further, that there were certain other bodies or associations of men which, although not corporations in the view of the law, would yet be considered as corporations for the purposes of this Act—namely, combinations of trustees, under whatever name, who were the actual holders and administrators of property for uses of one kind or another, and through whose hands property was continuously transmitted without a change of hands by any succession upon them. The Government Bill would be so framed that those bodies of trustees would be regarded for the purpose of the Bill as being virtually corporations, and property in their hands would be treated as if it were the property of corporations.

SIR FITZROY KELLY said, the House would feel indebted to the right hon. Gentleman for the very explicit statement he had made with respect to corporate property. He wished, however, to ask the right hon. Gentleman two or three questions on the subject: first, he should like to know whether the proposal for imposing this tax upon corporations would form a part of the Succession Duties Bill now before the House, or whether it would come before them as a separate and distinct measure; and, if it was intended to introduce the proposal into the present measure, at what stage of the Bill it would be most convenient to bring forward the clause? He wished to know, also, whether, among the corporations aggregate liable to this tax, the right hon. Gentleman included municipal corporations in general, which, as the right hon. Gentleman would be aware, were possessed of very considerable property, though now that property was applied to public purposes. The last question he would ask was, as to how this tax upon corporations was intended to affect the corporation of the city of London?

The CHANCELLOR OF THE EXCHEQUER, taking the questions of the hon. and learned Gentleman in the inverse order in which they had been put, would first state that, with respect to the corporation of the city of London, the Bill would not make any distinction between the case of the city of London and other municipal corporations. Upon the other question put by the hon. and learned Gentleman, he thought he had stated, with respect to municipal corporations, that they would be brought under the action of this plan much as they were under the Act for levying the income tax—that they would be liable to pay the tax upon their realised property, but not upon the revenue derived from their taxing powers. With respect to the third question of the hon. and learned Gentleman, the view of the Government was, that it would be decidedly more convenient to deal with this subject in a separate Bill, because the whole of the present Bill was founded upon the one idea of succession in consequence of death. That idea was not applicable to corporations; any clause applying to them would assume a different form from the rest of the measure, and it would be therefore more convenient that the subject should be treated in a separate Bill. That Bill he hoped to be in a condition to lay upon the table of the House in a few days.

MR. HUME desired to know in what way the property of the country was to be registered for the purposes of the Act? He conceived that without a registry it would be impossible to secure the tax upon succession that was now proposed.

The CHANCELLOR OF THE EXCHEQUER said, the question of the hon. Member for Montrose was, no doubt, an important one, and should receive the full attention of the House, and ample discussion during whatever debates might take place on the Bill. When asked on a former night whether it was intended by the Government that the Registry of Assurances Bill should be pressed upon the House, in order to have it passed into a law, to become the basis of this measure, he answered in the negative, and he now repeated that answer. The Government did not think it was necessary that there should be any general registration of property with a view to this Bill; their belief was that the tax which they meant to impose might be efficiently collected without any such general registration of property as the hon. Member referred to. Therefore, whatever course the Government had taken with reference to this Bill, the general registration of property—a most important question—should not be in any manner prejudiced by the measure now before the House.

MR. WALPOLE had understood the Chancellor of the Exchequer to say that he was going to bring in a similar measure to that by which property was liable to succession duty on the death of the owner, and that by a separate Bill the right hon. Gentleman was about to render corporate property and property in the hands of trustees, also, liable. He wished to ask whether the exemption of corporate property would begin at the same amount as the exemption contained in the Bill before the House, where parties succeeded upon the death of another? He saw that in the Bill before the House the amount at which the exemption was to commence was to be left in blank; and he wished to know whether, in the separate Bill, the amount would be the same, whatever it might be. The question was one of great importance in reference to the property of the smaller charities vested in trustees. Perhaps the right hon. Gentleman could state whether a similar exemption was to be made in respect to property held by the trustees of the small charities; and, if so, at what sum the exemption was to be considered as commencing?

The CHANCELLOR OF THE EXCHEQUER said, the *minimum* point at which the tax would be levied, had not yet received his attention—it was a point of detail, and he was not sure whether any exemption in the case of corporations would be necessary.

Mr. HEADLAM desired to know whether property vested in the Ecclesiastical Commissioners was to be entirely exempt, or whether any charge would be imposed on that description of property?

The CHANCELLOR OF THE EXCHEQUER said, that the question reminded him of an omission in his statement. The proposal of the Government would be that all ecclesiastical corporations aggregate should be liable to the tax; but the revenues of the Ecclesiastical Commission having been cut and parcelled into small amounts, or rather into given and definite amounts, which were limited as the provision for certain offices, he thought it clear that this property fell under the description which the Government considered as attaching to the revenues of the corporations sole. Any portion, therefore, of the property which might be detached from deans and chapters, and the revenue paid over to the Ecclesiastical Commissioners, to be thereafter distributed by them in the formation of new districts, or eking out the provision for small benefices, would be an official provision, and not liable to the tax.

Mr. HUME wished to know whether the funds left in certain cases for the payment of dissenting clergy would be put upon the same footing as the property of the clergy of the Establishment?

The CHANCELLOR of the EXCHEQUER said, that where there was an endowment for the purposes of a religious community other than the Established Church, which could be assimilated to that of a corporation sole, the same benefit would be extended, quite irrespective of the question what these religious denominations might be. In cases where the funds were held by trustees the matter was one of difficulty; but the Government would come as near as they could to the principle that where property was left to religious communities, *bonâ fide* for the provision of certain official duties, it would be exempt.

Mr. HUME wished to ascertain whether funds provided for education and the payment of schoolmasters would come within the exemptions?

The CHANCELLOR of the EXCHEQUER said, there was no general exemption of a provision for the purposes of education, in consequence of the difficulty they would have in framing the measure. They should be obliged to let in all eleemosynary cases, and the construction given to it would be so wide that the whole of the corporate property might escape.

Bill read 2°.

EXCISE DUTIES ON SPIRITS BILL.

Order for Committee read.

House in Committee; Mr. Bouverie in the chair.

Clause 1.

Captain JONES rose to move the rejection of so much of Clause 1 as imposes an addition of 8*d.* per gallon to the duty now payable on spirits taken out of warehouse for consumption in Ireland. The hon. and gallant Member contended that the history of these duties showed that every addition to the amount of duty was followed by a corresponding diminution in the quantity of spirits on which duty was charged for consumption, and by an increase of illicit distillation. When the duty was high in 1833, the quantity of spirits brought to charge had fallen to 8,000,000 gallons. When, in the following year, the duty was reduced to 2*s.* 4*d.*, the quantity rose to 9,000,000. In the next year the quantity was 11,000,000, in the next 12,000,000, in the next 11,000,000, in the next 12,000,000, and in the next (1839) 10,000,000 gallons. Then came the temperance movement, and Sir Robert Peel raised the duty to 2*s.* 8*d.* A small falling-off was the consequence; but in 1842 Sir Robert Peel raised the duty to 3*s.* 8*d.* In consequence of the change, the quantity of spirits brought to charge fell to 5,295,000 gallons. Sir Robert Peel, however, again altered the duty from 3*s.* 8*d.* to 2*s.* 8*d.*, and in the year following the reduction, the quantity of spirits charged amounted to 5,540,000, the next year to 6,000,000, the year after it exceeded 7,000,000 gallons, and the same for the next year; in 1845, however, in consequence of the famine there was some slight apparent diminution; but in subsequent years the increase was gradual until at the end of March, 1853, the quantity brought to charge reached to 8,208,000. All that proved that invariably an increase in the duty was attended with a corresponding loss to the revenue. It might not be generally known that every bushel of grain would yield two gallons or more of spirits. Oats fetched in the Irish market 22*d.* per bushel; and they now proposed to charge the spirits which may be obtained from a bushel of oats with a duty amounting to 7*s.* 6*d.*; and if the right hon. Gentleman would only take into consideration the great facilities afforded by the mountainous districts in Ireland for illicit distillation, the poverty of its inhabitants, and the small size of their farms, he must see that it would be impossible to resist the temptation to illicit distillation. He would now point to the effects of the increase of duty on the Irish criminal returns. For the year 1830, when the duty was first raised, there were no returns; but in 1832 the number of detections for crimes against the revenue were 5,434, and the numbers of persons in gaol were 648. Well, the duty was again reduced from 2*s.* 8*d.* to 2*s.* 4*d.*, and, as a consequence, the number of persons charged with offences against the Excise laws fell from 8,192, 1833, to 4,904, 1834, and the number of persons in gaol from 1,296, 1833, to 842, 1834. After that the duty remained steady at 2*s.* 4*d.* for some years, and crime continued to diminish until 1841, when the number of offences was but 881;

while the commitments only reached to 171. In 1842, however, Sir Robert Peel raised the duty, and the effect was to double the number of offences and number of commitments; while in the last year, that of 1852, the number of offences against the excise laws amounted to 2,504, and the number of persons in gaol were 537. Now by a reference to the returns for the seven years ending in 1837 he found that the average number of gallons brought to charge each year was 11,281,000; and on comparing this with the returns for 1853, which showed, as he had stated, an entry of but 8,000,000 gallons, the inevitable conclusion must be that the difference of 3,000,000 gallons was made up by illicit distillation. He had heard the right hon. Baronet the Member for Halifax (Sir C. Wood) state upon more than one occasion—and he believed it was a sentiment which was shared in by the present Chancellor of the Exchequer—that it was desirable to raise the greatest possible amount of revenue from the duties on spirits. But, let him ask, was that result to be brought about by the imposition of a high rate of duties? No such thing; for it was by a low scale of duties that the largest amount of revenue had been realised. Their annual average receipts under this head had been upwards of 1,400,000*l.*; and in 1838 it reached its highest level, namely, 1,434,473*l.*, while at the present moment the duties obtained amounted only to 1,000,940*l.* What they were about to do now was only a repetition of the policy of Sir Robert Peel in 1842—a policy which that right hon. Baronet based upon the idea that the organisation of the revenue police in Ireland was so perfect that under no circumstances could any increase take place in illicit distillation. That idea was, as he (Captain Jones) predicted at the time it would be, very quickly renounced; and an alteration had again to take place in the scale of duties. He was afraid that the proposition of the right hon. the Chancellor of the Exchequer was based upon a similar calculation; and, if so, he believed that the result would be corresponding. He referred to the carefully prepared petitions sent from Scotland against the proposed increase to the amount of duty. One of these petitions stated that illicit distillation had prevailed in Scotland to a great extent; that all the efforts made to suppress it having proved vain, the Chancellor of the Exchequer, in 1824, was induced to try the effect of a reduction of duty—a reduction equal to nearly half the amount of the duty. The result had been most satisfactory. Crime was diminished, and in the first year, the gross amount of duty received increased very largely—about 200,000*l.* he believed. He would beg permission of the House to refer to an article in the *Economist* newspaper, relating to the regulations under which a mixture of chicory and coffee was permitted to be sold, and the numerous instances of fraud which had occurred. It stated that high duties and restrictions never deterred the bold knave. It referred to the futile attempts of the Government to prevent the smuggling of foreign silks into this country—the success which had attended the reduction of the duties—reductions carried to such an extent as to take away the premium from the smuggler. He would say, that this article, although written with a view to the chicory question, and the frauds attending it, was equally applicable to the spirit question, then before the Committee: it pointed out the true and correct mode by which the largest possible amount of revenue might be obtained from spirits in Ireland. He believed the question to be one of the greatest consequence to Ireland, and as such he submitted his proposal to the House.

Amendment proposed, in p. 2, l. 9, to leave out "and Ireland respectively."

MR. JOHN MACGREGOR said, having given some considerable attention to this question, he had laid it down as a maxim, that from spirits and other articles, not being those of necessity, they should raise the highest possible duty. The principle that he went upon was to levy the same duty on all spirits, wherever produced, and from wherever imported. With regard to Ireland, he should like to see the duty raised to 5*s.* It could not be good for the morals of the people to have spirits at a low price in any country. He should support the plan of the Government, and he should have done so all the more willingly, if, with respect to Scotland, they had increased the duty on spirits to 2*s.* instead of 1*s.*

MR. BAILLIE could not believe that a Gentleman usually so well versed in statistics as the hon. Member for Glasgow (Mr. Macgregor) had upon the present occasion consulted them, otherwise he could never have stated that it was a matter of little importance to the people of Scotland that an additional duty of 2*s.* or 1*s.* per gallon upon spirits should be imposed. For, had he done so, he would have found that in 1823, the year in which the reduction upon Scotch spirits took place, the number of gallons brought to charge was exactly doubled. And he would also have ascertained that in 1826, two years subsequently, when the Government thought they had reduced the duty upon spirits a little too low, having imposed an additional duty of 6*d.* per gallon, the effect was that in the following year the number of gallons brought to charge were diminished by 2,000,000. But to maintain that the actual consumption of spirits in Scotland had been reduced to that amount would be absurd, as the fact was nothing more or less than that the deficiency had been supplied by illicit distillation.

MR. JOHN MACGREGOR admitted that an increase did then take place in the amount of illicit distillation.

MR. BAILLIE: But if the hon. Member imagined that there was no illicit distillation now going on in Scotland, he was very much mistaken. Why, it was only last winter that a very large still had been discovered in the woods near his own residence, at which no less than sixteen men were engaged; and when the officers of excise made an attempt at seizure, they met with a defeat, and the distillation was still carried on.

MR. JOHN MACGREGOR wished to explain that though illicit distillation went on in Scotland, it proceeded to a much greater extent in London, where the duty levied was much higher.

MR. M'MAHON dissented totally from the doctrine of the Chancellor of the Exchequer, and of the two hon. Gentlemen who last addressed the House. He (Mr. M'Mahon) contended that the imposition of this tax was for the purpose of carrying out the one-sided system of free trade, which enabled the manufacturers of this country to protect their own manufactures against foreign and colonial competition by high duties; to sell those manufactures in the dearest market, and then to buy the produce of agricultural labour—in a market cheapened to the lowest possible point by unlimited competition with foreign and colonial producers. Freedom of trade was a very good thing, but freedom of tillage was equally good. The whole system of free trade had tended to favour the foreign at the expense of the home producer. Throughout the whole Budget of the Chancellor of the Exchequer, no remission of duty was made to the agriculturists; all that was done was done in favour of trade and commerce; and he (Mr. M'Mahon) did think it was most unjust to carry out that system in favour of trade and commerce at the expense of agriculture. At present the agriculturists were prohibited from raising tobacco on their lands—they could not make sugar from beetroot, without paying a duty the same as the foreign producer; they could not grow hops without paying a duty equivalent on the average to 10*l.* an acre; while all excise restrictions were substantially removed from the manufacturers, and their trade was protected from competition by heavy duties on foreign and colonial manufactures. The French farmer might grow tobacco, or hops, or make sugar from beetroot, without restriction, and yet it was pretended that he came on equal terms into competition with the agriculturists of this country, who were subject to so many restrictions, under which it was impossible for them to prosper. He protested against the imposition of those additional restrictions on agricultural produce for the mere purpose of carrying out the indefensible and one-sided system of free trade.

COLONEL DUNNE, as no Member of the Government would rise to meet the question which had been raised, must enter his protest against the proposal of the Chancellor of the Exchequer. The effect of the proposed increase would inevitably be the increased consumption of illicit spirits, and, consequently, of the great demoralisation of the people of Ireland. For the last few years that country had been remarkable for its habits of temperance. But when corn was cheap, and the duty on spirits was high, it was impossible that the Government could prevent illicit distillation. He believed that the increased duties would not be worth the trouble of collection, and in a few years they would be obliged to follow the late Sir Robert Peel's course, and repeal those taxes. The men enlisted latterly in Ireland were of a much more sober character than they had been previously. He would refer particularly, as a proof of his assertion, to the gallant 88th Regiment, or Connaught Rangers. The hon. and gallant Member concluded by declaring his opposition to the measure of the Government.

MR. M'CANN candidly confessed that he was not opposed to this small increase of duty upon Irish spirits. He, however, implored of the Government not to employ that admirable force the constabulary in any of the duties that were discharged by the revenue police. The constabulary were now a most popular body in Ireland, but nothing was more calculated to injure that corps than to make them still-hunters.

SIR JOHN YOUNG admitted that great caution ought to be, and no doubt would be, used in employing the ordinary police for the collection of revenue. At present, no resolution had been come to of the kind which the hon. Gentleman supposed. He concurred with the hon. Gentleman in thinking that the Irish constabulary had the general confidence of the people; and this was owing to their uniform good conduct. The practice of illicit distillation had not at any time prevailed generally over Ireland. In some large counties—Meath, for instance—there had been scarcely any. It had been for the most part confined to the poorer and more hilly districts, where oats were extensively grown, and the people were generally poor. The want of roads in those districts had also stimulated illicit distillation, but in the last 20 years much had been done to remedy this. The people were now enabled to bring their oats to market, and there was no necessity for them to resort to illicit distillation. There were good grounds to hope that this very small increase of duty might be safely made. A few years ago there was great excitement about allowances being made for waste in bond; and it was said that if the distillers had this concession made, they were quite ready to submit to a shilling duty. This had been done; and taking the allowance at an average of 2*d.* only, the increase of duty was really 6*d.*, and not 8*d.* per gallon. He hoped that the question of employing the constabulary would be reconsidered; the increase of duty was so small that it might not be necessary. Illicit distillation prevailed very partially; farmers had greater facilities for bringing their oats to market, and the wages of labour were so good that he hoped the people would not fall into these practices.

MR. GEORGE complained that no answer had been given to Colonel Jones's statistics. The question had not been considered as one of Irish taxation at all. The important consideration was whether the proposed increase would have the effect of increasing or diminishing the revenue from Irish spirits. A tabular statement for the last 21 years showed that the amount of duty and the amount of revenue realised, were exactly in an inverse ratio to each other. Whenever the duty had been increased, the revenue had fallen; and *vice versâ.* The increase of duty had so greatly increased the temptation to illicit distillation, that the result had been a great increase of crime. It was said the distiller had received a boon in the allowance for waste. This amounted at the utmost to 40,000*l.* or 50,000*l.*; while the proposed increase of duty was no less than 238,000*l.* Not only would the increased duty cause an increase of illicit distillation, but it might lead to illicit practices in the regular distilleries. He also deprecated the employment of the Irish constabulary in aid of the revenue police. To make them spies and informers would destroy the confidence of the country, and render the force useless. He hoped the Chancellor of the Exchequer would give his best attention to the tables that had been referred to, showing that every increase of duty had diminished the revenue, and tended to demoralise the people.

Question put, "That the words proposed to be left out stand part of the clause."

The Committee *divided*:—Ayes 100; Noes 38: Majority 62.

MR. CRAUFURD said, that the distillers would not object to the increased duty on spirits if they were allowed to distil from malt.

MR. P. O'BRIEN said, the Scotch distillers enjoyed a great advantage over the Irish distillers in the matter of the drawback. In 17 years the former had received drawbacks to the amount of no less than 4,248,584*l.*; while the Irish distillers had received in the same period only 70,211*l.* This was felt by the Irish distillers to be a great grievance.

MR. JOHN MACGREGOR said, he wished to see all spirit duties equalised, wherever the article was produced, whether the increase was 1*s.* or 2*s.* He would support this Bill, but regretted that it did not go to the extent he had suggested.

The CHANCELLOR OF THE EXCHEQUER hoped the Members of the Committee, and especially Irish Members, would bear in mind the emphatic testimony to the moderation of his proposition which had been borne by the hon. Member for Glasgow. No doubt it was very difficult to make this question of spirit duties at all intelligible to the unitiated; he hardly knew a more hopeless task. A cruel contest had long been raging between Ireland and Scotland on the subject of the malt drawback enjoyed by the latter. He believed that, while Scotland was anxious to retain that drawback, she took very little interest in the question of allowances for waste—a boon which had just been conceded to the Irish distillers; and as it was customary with Irish distillers to keep their spirits longer in the warehouse, in order that they might acquire a mellow flavour, that allowance was of more importance to them. He did not propose to make any change with regard to the malt drawback; but he would give the Committee the assurance that the whole question was under the careful consideration of the Government—whether it was possible or not to arrange a system by which distillers might be enabled to distil from duty-free malt. That would be an immense boon to Scotland; and it might be the means of assisting them to a settlement of this great spirit-duty question on a larger and broader basis. The Irish distillers, who objected strongly to the drawback of the Scotch distillers, would be perfectly well satisfied to have the boon of distilling from duty-free malt, though undoubtedly that would be a greater advantage to the Scotch distillers. Such a proposal it would be impossible to connect with the present Bill, on account of the vast amount of revenue dependent on the collection of the malt duties, and the necessity of avoiding any opening for their wholesale evasion; these were matters which required the most minute, detailed, and elaborate consideration. A great question of that kind must not be made to wait upon the political convenience of putting forward a fiscal measure like the one before the House. The question would receive the most serious consideration; to him it would be a matter of great satisfaction if they were able to arrange it; but, at the same time, after the very fair concession that had been made for wasteage, he thought that Ireland should be content to allow the Scotch distillers to enjoy their drawback on malt. Though that malt drawback appeared to impose an extra duty on Scotch whisky as compared with grain spirits, the difference in reality did not amount to so much as was supposed, owing to the improvements which had taken place in the mode of distilling.

SIR TIMOTHY O'BRIEN said, it was the practice of the Scotch distillers to ship their whisky to Ireland, and get the drawback there; the spirit remained in the warehouse perhaps ten years, and the distiller enjoyed the advantage all that time.

The Chancellor of the Exchequer

It was not just to allow half the drawback to the Scotch, and deny it to the Irish distillers.

Clause *agreed to;* as were also Clauses 2 to 14 inclusive.

Clause 15.

The CHANCELLOR OF THE EXCHEQUER said, he would now state the principle on which he proposed to allow for the waste in spirits. He understood from the hon. Member for Dundalk (Mr. Bowyer) that the Irish distillers complained they did not receive the same allowance for waste that the foreign and colonial distillers received. Now, that was not a very rational complaint, because much depended not only upon the nature of the spirit, but also upon the vessel in which the spirit was kept. If there were any difficulty in ascertaining the waste of home spirits, that might be a good reason for adopting the rule laid down in the case of foreign and colonial spirits; but, in truth, there was no difficulty whatever. The maximum allowance for waste provided for in the Bill was one gallon in the 100, and he could state, from a return he held in his hand, that during the quarter ending the 5th of January, 1853, out of 2,000,000 of gallons distilled by eleven distillers in England, the officers of excise had ascertained that the actual waste of spirits was one-third per cent. In Scotland, for the same period, out of 1,250,000 gallons, the waste was one-eighth per cent, and in Ireland, out of 1,500,000 gallons, the waste was one-fifth per cent. That being the case, and seeing there was no difficulty in ascertaining the facts, it was thought far better to ascertain the actual amount rather than resort to any imaginary standard, such as that of the home and colonial spirits.

MR. GROGAN said, there was great dissatisfaction among the distillers on this point, and he could not understand why, if the actual waste was so easy to be ascertained, the same rule was not applied to foreign and colonial spirits.

MR. BOWYER said, there was a committee of distillers who sat last year who gave it as their opinion that, as a general rule, it would be impossible to ascertain the exact amount of waste.

The CHANCELLOR OF THE EXCHEQUER said, in answer to the hon. Member for Dublin, that the rule adopted with regard to foreign or colonial spirits might be a very good one for the Customs, and yet not suited for the Excise.

MR. SERJEANT MURPHY said, he understood the allowance for waste was not to be made till after the passing of the Bill, while the increase of duty had already taken effect. As the one was considered as a set-off against the other, he thought the allowance ought to take place at the same time with the increase.

The CHANCELLOR OF THE EXCHEQUER explained that as the Bill was to allow only for the actual waste, that presupposed a close inspection of the spirits according to prescribed regulations, which could not be made till after the passing of the Bill. The Government was open, however, to a reconsideration of the question if any means could be shown by which the revenue would not be injured.

SIR TIMOTHY O'BRIEN asked whether any drawback would be allowed on the spirits that were now in bond, and for waste that had occurred previous to the passing of the Act?

The CHANCELLOR OF THE EXCHEQUER said, it was quite impossible to give the drawback any retrospective effect.

Clause *agreed to;* as were the remaining clauses.

House *resumed;* Bill *reported.*

TAXING OFFICER COMMON LAW BUSINESS (IRELAND) BILL.

Order for consideration of Bill as amended read.

MR. I. BUTT moved an Amendment, that the principal officer, instead of being a barrister of five years' standing, should be an attorney or solicitor of ten years' standing; and that the yearly salary of the assistant taxing master be 700*l.* instead of 500*l.* a year. He moved that Amendment out of respect to the profession to which he had the honour to belong, and in order to maintain its dignity and independence. The office was one which did not properly belong to the bar, but to the profession of a solicitor, and he protested against this system of making situations for barristers which their education did not qualify them to fill.

SIR JOHN YOUNG said, the question had been fully considered, and it was the opinion of the legal Gentlemen who had charge of the Bill that the office ought to be filled by a barrister. It was said that the Government desired to transfer patronage from the attorneys to the barristers, because the latter were, politically, more powerful. But the reverse was the fact, for attorneys were possessed of far greater political influence. He (Sir J. Young) dissented from the Amendment, and hoped that the Bill would pass as soon as possible.

MR. R. S. MOORE also opposed the Amendment because it would exclude barristers from the office of taxing master. The question was, what would be best for the public and the suitors. It was best to have one of the officers a barrister and the other an attorney, but they ought to be placed perfectly upon a par.

MR. J. D. FITZGERALD would have voted for the Amendment, had it been only to this effect, that the attorneys should be eligible; whereas it was to this extent, that they should be exclusively eligible. He denied that Irish barristers had their fair share of patronage in any department.

Amendment *negatived.*

MR. R. S. MOORE then proposed an Amendment that the two masters should be placed on a par as to jurisdiction and powers.

SIR JOHN YOUNG said, he could not assent to this, as it would increase the salary of one of them. Moreover, this could not be done except in Committee.

MR. I. BUTT suggested that the Bill be recommitted for the purpose.

House in Committee.

MR. VINCENT SCULLY, in the absence of Mr. George, moved an Amendment, that the yearly salary of the principal taxing officer should be 1,200*l.* instead of 1,000*l.* a year. Heretofore there had been two principal taxing officers, each with 1,200*l.* a year salary. It was now proposed to have only one chief officer, with the reduced salary of 1,000*l.* a year. The labour and responsibility were greatly increased by the new arrangement. It would now be necessary for the chief officer to give his personal attendance throughout the entire year. The amount of business done by the Irish taxing officer greatly exceeded that performed by the English taxing officers, each of whose salaries was far higher than 1,200*l.* a year—he believed at least 2,000*l.* a year. There existed no longer any just reason for paying officers engaged in Irish departments of the public service on a lower scale than persons filling the like offices in similar departments in England. Both countries were about to be equally subjected to income tax. The price of living in Dublin was in many respects fully as dear as in London. This had been shown to be the case in a recent article in an English

Conservative newspaper—the *Standard.* Money had become much more plentiful, and of comparatively less value than it was three or four years ago, whilst the prices of butchers' meat had become greatly raised in Ireland, and were equalised with the prices in England. Therefore, what was an adequate salary in Ireland some few years since, might be very inadequate at present. It was a bad principle to underpay a responsible public officer, and there was no office involving more trustworthiness, or a greater amount of personal labour or professional knowledge, than that of taxing officer. There were other strong reasons that might be urged in support of his view, that adequate salaries should be provided for the Irish taxing officers, and that 1,200*l.* a year would not be too high a remuneration for the chief officer. He thought the salary of the assistant taxing officer ought to be at least 800*l.* a year. In regard to the gentleman whom it was now proposed to make sole principal officer at a salary of 1,000*l.* a year, true it was that at present his salary as a second taxing officer was fixed some years since at 800*l.* a year; but then it was proposed by the present Bill to deprive him altogether of the patronage of an office worth 300*l.* a year, and, as already mentioned, he would, by recent arrangements, be subjected to income tax. Upon the whole, he trusted the Government would see the justice of adopting his Amendment, by fixing the salary of the principal taxing officer at 1,200*l.* a year. He might add that the Irish taxing office was a self-supporting one, yielding a surplus revenue of 1,200*l.* a year. The Public Commissioners who had recommended a reform in the office, had not recommended any reduction in the chief officer's salary.

Mr. BROTHERTON objected to this Amendment, as being an intended "pull at the Exchequer" on the part of the Irish Members. The duties which these officers had to discharge demanded no very high order of talent, and it should be remembered that part of their salaries came out of the Consolidated Fund.

Mr. WHITESIDE complained that the arrangement recommended by public commissioners twenty-five years ago, to the effect that there should be two taxing officers, at salaries of 1,200*l.* each, had

been lightly departed from. He objected to the principle of this Bill, in making a distinction between the rank of the two taxing officers. The same scale of salary ought to be fixed for both, and competent and duly qualified persons should be selected for the responsible duties they had to discharge, involving, as those duties did, the disposal of the funds of the suitors to the extent of between two and three hundred pounds per annum and upwards.

Mr. J. D. FITZGERALD approved of the distinction that was drawn by the Bill between the superior and the subordinate taxing officer—a distinction which was based upon a difference in the importance of their respective duties. He thought, however, that the principal officer's salary ought not to be less than 1,200*l.* a year.

Sir JOHN YOUNG defended the original proposal of the Bill, fixing the salaries of the two taxing officers at 1,000*l.* and 600*l.* respectively, which he believed were amply sufficient to secure the services of two gentlemen of adequate legal knowledge, and of a character high enough to place them beyond the reach of temptation.

Mr. VINCENT SCULLY, in reply, stated that the right hon. Baronet (Sir J. Young) was mistaken in supposing that the costs taxed by the Irish taxing officer were less than 100,000*l.* a year. The precise amount taxed last year was 123,338*l.*, besides a considerable amount which was taxed not entered in the books—making, he should conceive, on a moderate estimate, a gross total of at least 150,000*l.* a year. As it thus appeared that the reduced salaries had been fixed by the Government under a misapprehension as to the amount of business done, perhaps upon having now received more perfect information, they would consent to the increase he had proposed. He admitted that if his proposition were nevertheless still opposed by Government, he could not hope to carry it in the present state of the House; and, in that event, he would not wish to damage its future discussion by pressing it now to a division.

Amendment *withdrawn.*

House resumed; Bill *reported.*

The House adjourned at Eleven o'clock, till Monday next.

INDEX

TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME CXXVII.

FIFTH VOLUME OF SESSION 1852–1853.

Explanation of the Abbreviations.

1*R*. 2*R*. 3*R*. First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.* Committee.—*Re-Com.*, Re-committal.—*Rep.*, Report.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st Div.*, 2*nd Div.* First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

ABERDEEN, Earl of
  Chimney Sweepers Regulation, Report, 502
  Clitheroe Election, 212, 215
  Crime in Ireland, Returns moved for, 1090
  Drummond's (Duke de Melfort's) Restitution, 2R. 1282
  Justice, Administration of (Ireland)—Appointment of Mr. Keogh, Address moved, 1367
  Maldon Election, Address moved, 777, 783
  Oaths, Alteration of, 2R. 852; Com. 1027
  Poor Laws, 204
  Succession Duties, Com. moved for, 670, 675
  Transportation, Address moved, 29, 32, 36

ABINGER, Lord
  Oaths, Alteration of, 2R. 861

ADVOCATE, The LORD (Rt. Hon. J. MONCREIFF), *Leith, &c.*
  Rye Election, New Writ moved, 376
  Sheriff Courts (Scotland), (No. 2), 2R. 155; Amend. 177, 183, 188

Africa, Civil Establishments on the West Coast—Supply,
  c. 445; Amend. (Mr. A. Pellatt), 446; Motion *neg.*, 449

AGLIONBY, Mr. H. A., *Cockermouth*
  Hackney Carriages (Metropolis), Com. *cl.* 2, 488
  Income Tax, The, 250
  Plymouth Election, New Writ moved, 647
  Succession Duties, The, 289, 348
  Supply—Hong Kong, 454;—Consular Establishments, 458

Agricultural Statistics,
  c. Question (Mr. Sandars), 378

ALBEMARLE, Earl of
  Burmese War, 1206
  India, Government of, 298, 1034

ALCOCK, Mr. T., *Surrey, E.*
  Income Tax, Com. *cl.* 1, 542
  Supply—Ministers at Foreign Courts, 463

ANDERSON, Sir J., *Stirling*
  Supply—Salaries of certain Officers (Scotland), 408

Apples, Raw—Customs Acts,
  c. Com. 1068

ARCHDALL, Capt. M. E., *Fermanagh*
  Income Tax, That the Bill do pass, *add. cl.* 1229

ARGYLL, Duke of
  Chimney Sweepers Regulation, Report, 500
  Succession Duties, Com. moved for, 702, 703
  Transportation, Address moved, 75

Assaults, Aggravated, Bill,
  l. 2R. 551; 3R.* 1018

ATHERTON, Mr. W., *Durham, City*
  Durham Election Petitions, Com. moved for, 958
  Supply—Africa, Civil Establishments on the West Coast, 448;—Falkland Islands, 450

Attorney General, The (Sir A. E. Cockburn), *Southampton*
  Common Law, Courts of (Ireland), Com. *cl.* 1, 1284; *cl.* 10, 1285, 1286; *cl.* 38, 1288, 1291, 1292; *cl.* 63, 1293, 1294
  Durham Election Petition, Com. moved for, 960, 964
  Newspaper Stamp Duties, 219

Australia, Emigrants to,
  c. Question (Mr. Miles), 566

Australia, Western—Supply,
  c. 449

Ava, War with,
  l. Question (Earl of Ellenborough), 1199

Bail in Error Bill,
  c. 1R.* 429; 2R.* 787

Baillie, Mr. H. J., *Inverness-shire*
  Excise Duties on Spirits, Com. *cl.* 1, 1390
  Income Tax, Com. *cl.* 33, 799
  New Zealand Company, 503
  Supply—Parliament, New Houses of, 393

Ball, Mr. E., *Cambridgeshire*
  Church Rates, Leave, 608*
  Income Tax, Com. 535; That the Bill do pass, *add. cl.* 1219
  Succession Duties, The, 288

Ball, Mr. J., *Carlow*
  Income Tax, Com. *cl.* 13, 739, 740; *cl.* 15, 745; *add. cl.* 817, 1054

Bankes, Rt. Hon. G., *Dorsetshire*
  Income Tax, 249; That the Bill do pass, *add. cl.* 1220

Bankruptcy (Scotland) Bill,
  c. 2R.* 1036

Bankruptcy Bills,
  l. Minutes of Evidence, 196

Baring, Rt. Hon. Sir F. T., *Portsmouth*
  Durham Election, Mr. Duncan's Case, 707

Baring, Mr. T., *Huntingdon*
  Customs, &c. Acts, Com. Res. 820, 821, 824 (Tea Duties), 833
  India, Government of, Leave, 1318, 1322

Barnstaple Election,
  c. Address moved (Hon. W. O. Stanley), 136
  l. Conference, 197

Barrow, Mr. W. H., *Nottinghamshire, S.*
  Income Tax, Com. *cl.* 25, 757; *cl.* 26, Proviso, 789

Bass, Mr. M. T., *Derby*
  Rye Election, New Writ moved, 291, 374, 377

Bath, Marquess of
  Great Western Railway Company, 1359

Battersea Park Bill,
  c. 1R.* 706

Beaumont, Lord
  Chimney Sweepers Regulation, Report, 497, 502
  Clitheroe Election, 211, 215
  Denmark, Succession to the Crown of, 1079
  Lodging Houses, Common, 2R. 297; Com. 554
  Poor Removal, 2R. 1032
  Russia and Turkey, 657

Bentinck, Mr. J. W. P., *Norfolk, W.*
  Durham Election Petitions, Com. moved for, 138, 146, 957, 962, 963, 964

Berkeley, Hon. C. F. H., *Cheltenham*
  Customs Acts, Com. Res. 371
  Elections, Expenses of, 2R. 373
  Nunneries, Inspection of, Leave, 95

Bermudas—Supply,
  c. 442

Berners, Lord
  Poor Removal, 2R. 1030, 1032

Berwick-upon-Tweed Election,
  c. Com. moved for (Mr. Mitchell), 647; Amend. (Sir W. Jolliffe), 648

Bethell, Sir R., *see* Solicitor General, The

Blackett, Mr. J. F. B., *Newcastle-on-Tyne*
  Income Tax, Com. 536; *cl.* 5, 725; *add. cl.* 810, 815, 816, 817
  India, Government of, Leave, 1195, 1300, 1301
  Supply—Oxford and Cambridge Professors, 418; —Polish Refugees, &c., 466

Blair, Col. J. H., *Ayrshire*
  Income Tax, Com. *cl.* 33, 800; *cl.* 35, 803
  Sheriff Courts (Scotland), (No. 2), 2R. 167
  Supply—Portpatrick Harbour, 398

Bouverie, Hon. E. P., *Kilmarnock, &c.*
  Clare Election, New Writ moved, 1298
  Income Tax, The, Com. *cl.* 16, 1056
  Sheriff Courts (Scotland), (No. 2), 2R. 191
  Supply—Public Buildings (Ireland), 400; —Theological Professors (Belfast), 421

Bowyer, Mr. G., *Dundalk*
  Excise Duties on Spirits, Com. *cl.* 15, 1396
  Irish Members and the Government, 228, 230
  Nunneries, Inspection of, Leave, 96, 103

Bramston, Mr. T. W., *Essex, S.*
  Durham Election Committee, Report, 1299

Bright, Mr. J., *Manchester*
  Berwick-upon-Tweed Election, Com. moved for, 648
  Church Rates, Leave, 639
  Customs, &c. Acts, Com. Res. 371

[*cont.*

BRIGHT, Mr. J., *continued.*
Ecclesiastical Revenues (Ireland), Com. moved for, 946
Hackney Carriages (Metropolis), Com. 428
Income Tax, The, 246, 247, 251; Com. *cl.* 5, 716, 723; *cl.* 26, 790; *add. cl.* 814
India, Government of, Leave, 1124, 1169, 1246, 1322
India—Growth of Opium, 955
Pegu, Annexation of, 435
Registration of Assurances, 714, 715
Succession Duties, The, 286, 365
Supply—Indian Department (Canada), 443; —Africa, Civil Establishments on the West Coast, 447;—Falkland Islands, 451;—Hong Kong, 452, 453;—Consular Establishments, 458, 459;—Miscellaneous Charges, 467, 468; —Nonconforming Ministers (Ireland), 470

British Museum—Supply,
c. 422

BROCKLEHURST, Mr. J., *Macclesfield*
Income Tax, Com. *cl.* 25, Amend. 748

BROOKE, Sir A. B., *Fermanagh*
Customs, &c. Acts, Com. (Butter), 1070
Income Tax, Com. *cl.* 15, 743; *cl.* 13, 1050

BROTHERTON, Mr. J., *Salford*
Durham Election, Mr. Duncan's Case, 708
Hackney Carriages (Metropolis), 3R. 835
Supply—Royal Parks, 392;—Criminal Prosecutions (Ireland), 413
Taxing Officer, Common Law Business (Ireland), Com. 1399

BROUGHAM, Lord
Bankruptcy Bills, Minutes of Evidence, 197
County Courts—Costs, 1074, 1077
Crystal Palace, Sydenham, 650
Cuba, Importation of Slaves into, 775
Drummond's (Duke de Melfort's) Restitution, 2R. 1282
Evidence and Procedure, Law of, 1R. 293, 294; 2R. 556, 557; 3R. 1196, 1198
Income Tax, Com. *cl.* 5, 731
Maldon Election, Address moved, 778
Oaths, Alteration of, 2R. 858, 860
Perjury, Alleged Increase of, Returns moved for, 548
Russia and Turkey, 659
Slave Trade, 488, 492
Small Debts (Scotland) Act Amendment, 1R. 1294
Wages, Arrestment of (Scotland), 1282

BRUCE, Mr. C. L. C., *Elgin and Nairnshire,*
Income Tax, That the Bill do pass, *add cl.* 1226
Sheriff Courts (Scotland), (No. 2), 2R. 161, 165

BRUCE, Mr. H. A., *Merthyr Tydvil,*
Church Rates, Leave, 588

BUCK, Mr. L. W., *Devonshire, N.*
Supply—Holyhead Harbour, 395

Budget, The—Financial Statement—The Income Tax,
c. 235; Amend (Mr. Vansittart), 239, [A. 60, N. 120, M. 60] 256
Succession Duties, 258, 325; Amend. (Mr. Freshfield), 341; Motion *neg.*, 370

BULLER, Sir J. B. Y., *Devonshire, S.*
Plymouth Election, New Writ moved, 647

Bullion, Sales of, Bill,
l. 1R.* 1; 2R.* 758; Rep.* 835; 3R.* 1018

Burghs (Scotland) Bill,
l. 3R.* 293

Burghs Harbours (Scotland) Bill,
c. 1R.* 215; 2R.* 503; 3R.* 862

Burial Grounds Bill,
l. 1R.* 194; 2R.* 835; Com. 1090; 3R.* 1359

Burmese War,
l. Question (Earl of Ellenborough), 1199

BURRELL, Sir C. M., *Shoreham*
Customs, &c. Acts, Com. (Oranges and Lemons), 1354
Rye Election, New Writ moved, Amend. 290

Bury St. Edmunds Election Committee,
c. Mr. Martin's Attendance dispensed with, 708; Report, 1207

Business, Public,
c. Question (Mr. Disraeli), 318

BUTT, Mr. G. M., *Weymouth*
Common Law, Courts of (Ireland), Com. *cl.* 10, 1287; *cl.* 32, 1288; *cl.* 38, 1291
Durham Election Petitions, Com. moved for, 963
Elections, 2R. 148
Income Tax, Com. *add. cl.* 813, 816, 819; *add. cl.* 1058

BUTT, Mr. I., *Youghall*
Income Tax, Com. *cl.* 5, 730; *cl.* 13, 741; *cl.* 20, Amend. 747; *cl.* 25, Amend. 749, 753, 754, 756; *add. cl.* 808, 810, 819; *cl.* 13, Amend. 1040, 1046; *cl.* 15, 1055; *add. cl.* 1060, 1061; That the Bill do pass, *add. cl.* 1227
Kilmainham Hospital, 437
New Trials (Criminal Cases), 2R. 964, 980, 988, 992
Taxing Officer, Common Law Business (Ireland), Com. Amend. 1396, 1397

Butter—Customs Acts,
c. Com. 1068, [A. 141, N. 49, M. 92] 1071

Cables—Customs Acts,
c. Com. 1062, [A. 194, N. 68, M. 126] 1065

CAIRNS, Mr. H. M., *Belfast*
Customs, &c. Acts, Com. (Paper), 1358
Income Tax, Com. *cl.* 15, 743, 745; *cl.* 13, Amend. 1046, 1050, 1054
Supply—Nonconforming, &c. Ministers (Ireland), 482

CAMPBELL, Lord
Aggravated Assaults, 2R. 552
County Elections Polls (Scotland), Com. *cl.* 2, 553
Drummond's (Duke de Melfort's) Restitution, 2R. 1282
Evidence and Procedure, Law of, 1R. 293; 2R. 557; 3R. 1198
Great Western Railway Company, 1361
Maldon Election, Address moved, 780, 783
Oaths, Alteration of, 2R. 858
Perjury, Alleged Increase of, 550
Poor Removal, 2R. 1031
Transportation, Address moved, 36, 68, 69
Wages, Arrestment of (Scotland), 1283

CAMPBELL, Sir A. T., *Argyllshire*
Income Tax, That the Bill do pass, *add. cl.* 1221

CANNING, Viscount
Cathedral Appointments, 3R. 317

CANTERBURY, Archbishop of
Cathedral Appointments, 3R. 317

CARDWELL, Rt. Hon. E., *Oxford, City*
Agricultural Statistics, 379
Customs, &c. Acts, Com. Res. 823, 825; (Watches), 1359

CARLISLE, Earl of
Cuba, Importation of Slaves into, 762

CARTER, Mr. J. B., *Winchester*
Hackney Carriages (Metropolis), Com. 429; *cl.* 1, 487

Cathedral Appointments Bill,
l. 3R. Adj. Debate, 316

CAYLEY, Mr. E. S., *Yorkshire, N.R.*
Customs, &c. Acts, Com. (Cables), 1063
Income Tax, Com. *cl.* 5, 729
Succession Duties, The, 356

CHAMBERS, Mr. M., *Greenwich*
Common Law, Courts of (Ireland), Com. *cl.* 10, 1287
Durham Election Petitions, Com. moved for, 138
Income Tax, Com. *add. cl.* 817

CHAMBERS, Mr. T., *Hertford*
Maldon Election, New Writ moved, 377, 378
Nunneries, Inspection of, Leave, 79, 130

CHANCELLOR, The LORD (The Rt. Hon. Lord CRANWORTH)
Bankruptcy Bills, Minutes of Evidence, 196, 197
County Courts—Costs, 1078
Drummond's (Duke de Melfort's) Restitution, 2R. 1278
Evidence and Procedure, Law of, 2R. 555; 3R. 1197
Maldon Election, Address moved, 780
Small Debts (Scotland) Act Amendment, 1R. 1294 [*cont.*

CHANCELLOR, The LORD—*continued.*
Stock, Conversion of—Funds in Chancery, 761, 836, 1018
Succession Duties, Com. moved for, 694
Transportation, Address moved, 72
Wages, Arrestment of (Scotland), 1283

CHANCELLOR OF THE EXCHEQUER (Rt. Hon. W. E. GLADSTONE), *Oxford University*
Business, Public, 318, 319, 322, 323
Civil Servants of the Crown, 215
Criminal Prosecutions (Ireland), Expense of, 441
Customs, &c. Acts, Com. Res. 370, 371, 372, 439, 440, 820; (Tea Duties), 825, 826, 827, 831, 832, 834; (Raisins), 1061, 1354, 1355; (Cables), 1063; (Pictures), 1065; (Apples), 1068; (Butter), 1069, 1071; (Oranges and Lemons), 1353; (Printed Books), 1356; (Stockings), 1357; (Linen and Cotton Manufactures), 1357
Excise Duties on Spirits, 216, 218, 430; Com. *cl.* 1, 1394; *cl.* 15, 1395, 1396
Income Tax, 239; 2R. 439; Com. 515; *cl.* 1, 538, 540, 543; *cl.* 3, 544, 545, 546, 547, 716; *cl.* 5, 719, 724, 726, 730, 734; *cl.* 7, 735, 736; *cl.* 12, 738, 740, 741, 742; *cl.* 15, 743, 744, 746; *cl.* 20, 747; *cl.* 25, 748, 753, 754, 757, 758; *cl.* 26, 789, 790; *cl.* 29, 790; *cl.* 31, 792, 794, 795; *cl.* 33, 795, 796, 797, 798, 801; *cl.* 35, 802, 803; *cl.* 38, 804; *cl.* 41, 804; *add. cl.* 805, 809, 811, 813, 815, 817, 818, 819, 1037; *cl.* 9, 1038; *cl.* 13, 1039, 1045, 1046, 1048, 1050; *cl.* 15, 1055; *cl.* 16, 1056; *add cl.* 1057, 1058, 1059, 1060, 1061; 3R. 1208, 1210, 1212; That the Bill do pass, *add cl.* 1216, 1224, 1228, 1229
Newspaper Stamp Duties, 218, 219
Succession Duties, The, 258, 282, 286, 287, 288, 289, 290
Succession Duty, 1R. 548; 2R. 1380, 1384, 1385, 1386, 1387
Supply—Household of the Lord Lieutenant, 408, 409;—Board of Public Works (Ireland), 411;—Polish Refugees, &c. 465;—Miscellaneous Charges, 467, 468

CHANDOS, Marquess of, *Buckingham*
Civil Servants of the Crown, 215

CHARTERIS, Hon. F. W., *Haddingtonshire*
Sheriff Courts (Scotland), (No. 2), 2R. 170

Cheese—Customs Acts,
c. Com. [A. 135, N. 40, M. 95] 1071

CHEETHAM, Mr. J., *Lancashire, S.*
Income Tax, Com. *add cl.* 814

CHICHESTER, Earl of
Ecclesiastical Commission, Returns moved for, 1033
Transportation, Address moved, Amend. 37, 68

Chimney Sweepers Regulation Act Amendment Bill,
l. 2R. 198; Amend. (Earl of Wicklow), *ib.*; Amend. neg. 200; Report, Amend. (Earl of Clancarty), 493

China, Rebellion in,
c. Question (Viscount Jocelyn), 436;—see *Hong Kong*

CHRISTOPHER, Rt. Hon. R. A., *Lincolnshire, N.*
Succession Duties, The, 288

Church Building Acts Amendment Bill,
l. 1R.* 1018

Church Rates,
c. Leave, 567; Amend. (Sir W. Clay), 605,* [*o. q.* A. 185, N. 207, M. 22] 643; [*m. q.* A. 172, N. 220, M. 48] 647

Civil Servants of the Crown,
c. Question (Marquess of Chandos), 215

CLANCARTY, Earl of
Chimney Sweepers Regulation Act Amendment, 2R. 198; Report Amend. 493
Crime in Ireland, Returns moved for, 1087
Justice, Administration of (Ireland)—Appointment of Mr. Keogh, Address moved, 1379
Oaths, Alteration of, 2R. 854

CLANRICARDE, Marquess of
Justice, Administration of (Ireland)—Appointment of Mr. Keogh, Address moved, 1369
Lodging Houses, Common, 2R. 297
Oaths, Alteration of, 2R. 861
Transportation, 315

Clare Election Committee,
c. Report, 1297; New Writ moved (Mr. J. D. Fitzgerald), 1298

CLARENDON, Earl of
Cuba—Importation of Slaves into, 771
Denmark, Succession to the Crown of, 1084
La Plata, Affairs of, 1073, 1074
Russia and Turkey, 654, 760
Slave Trade, 489, 490

CLAY, Sir W., *Tower Hamlets*
Church Rates, Leave, Amend. 588
Income Tax, Com. *add. cl.* 815
Supply—Nonconforming, &c. Ministers (Ireland), 473

Clergy in North America—Supply,
c. 442

Clitheroe Election,
l. Observations (Lord Beaumont), 211

COBDEN, Mr. R., *Yorkshire, W. R.*
Pegu, Annexation of, 431
Supply—Nonconforming, &c. Ministers (Ireland), 476

COCKBURN, Sir A. J. E., *see* ATTORNEY GENERAL, The

Coffee and Chicory, Sale of,
c. Question (Lord C. Hamilton), 324

COLCHESTER, Lord
La Plata, Affairs of, 1074

COLLIER, Mr. R. P., *Plymouth*
Church Rates, Leave, 605*
Common Law, Courts of (Ireland), Com. *cl.* 10, 1286
Sheriff Courts (Scotland), (No. 2), 2R. 157

Colonial Governors—Supply
c. 444

COLVILE, Mr. C. R., *Derbyshire, S.*
Customs, &c. Acts (Cheese), Com. 1071

Combination of Workmen Bill,
c. 3R. Adj. Debate, 1017

Common Law, Courts of (Ireland) Bill,
c. Com. *cl.* 1, 1284;
cl. 10, 1285;
cl. 32, 1288;
cl. 38, 1288;
cl. 63, Amend. (Mr. Whiteside), 1293, [*o. q.* A. 31, N. 70, M. 39] 1294

CONOLLY, Mr. T., *Donegal*
Income Tax, Com. 511

Consolidated Fund (4,000,000*l.*) *Bill,*
c, 1R.* 862; 2R.* 964; 3R.* 1207
l. 1R.* 1278; 2R.* 1294; Rep.* 1359

Consular Estabishments Abroad—Supply,
c. Amend. (Captain Scobell), 455, [A. 46, N. 70, M. 24] 459

Convict Establishments—Supply,
c. 417

Convicted Prisoners Removal and Confinement Bill,
c. 1R.* 79; 2R.* 378

Copyholds Bill,
c. 3R.* 1297
l. 1R.* 1359

CORRY, Rt. Hon. H. T. L., *Tyrone*
Supply—Public Buildings (Ireland), 400

County Courts—Costs,
l. Petition (Lord Brougham), 1074

County Elections Polls (Scotland) Bill,
l. 2R.* 194;
Com. 552; *cl.* 2, 553
3R.* 650

County Rates, Certain Charges formerly paid out of the—Supply,
c. 414

County Rates and Expenditure Bill,
c. Com. *cl.* 4, 192

COWAN, Mr. C., *Edinburgh*
Customs, &c. Acts, Com. (Printed Books), 1356; (Paper), 1358
Income Tax, That the Bill do pass, *add. cl.* 1229
Sheriff Courts (Scotland), (No. 2), 2R. Amend 156, 160
Ventilation of the House, 323

Cranworth, Lord, *see* **Chancellor**, The **Lord**

Craufurd, Mr. E. H. J., *Ayr, &c.*
Excise Duties upon Spirits, 216, 218; Com. *cl.* 1, 1393
Income Tax, 2R. 439; Com. *cl.* 33, 801
Sheriff Courts (Scotland), (No. 2), 2R. 149, 155, 177, 183, 190

Crime in Ireland,
l. Returns moved (Earl Clancarty), 1087

Criminal Prosecutions (Ireland), Expense of,
c. Observations (Mr. Macartney), 441

Crossley, Mr. F., *Halifax*
Customs, &c. Acts, Com. (Linen and Cotton Manufactures), 1357

Crowder, Mr. R. B., *Liskeard*
Common Law, Courts of (Ireland), Com. *cl.* 1, 1284; *cl.* 10, 1287; *cl.* 38, 1292

Crystal Palace, Sydenham,
l. Petition (Earl of Shaftesbury), 650

Cuba, Importation of Slaves into,
l. Petition (Earl of Carlisle), 762

Cubitt, Mr. Ald. W., *Andover,*
Hackney Carriages (Metropolis), 3R. *cl.* 6, Amend. 1018

Customs, &c. Acts,
c. Com. Res. (Chancellor of the Exchequer), 370, 439, 820; (*Tea Duties*), 825; Adj. moved (Lord A. Vane), 832; Motion withdrawn, 834;—(*Raisins*), 1061, 1354; (*Cables*), 1062, [A. 194, N. 68, M. 126] 165; (*Pictures*), 1065, [A. 186, N. 46, M. 140] 1068; (*Raw Apples*), 1068; (*Butter*), 1068, [A. 141, N. 49, M. 92] 1071; (*Cheese*), [A. 135, N. 40, M. 95] 1071; [*r. p.* A. 11, N. 125, M. 114] 1071; (*Oranges and Lemons*), 1352; (*Printed Books*), 1356; (*Stockings*), 1356; (*Linen and Cotton Manufactures*), 1357, (*Paper*), 1358; (*Watches*), 1358

Customs Duties on Spirits Bill,
c. 1R.* 318; 2R.* 378

Denison, Mr. E. B., *Yorkshire, W.*
Hackney Carriages (Metropolis), Com. 427

Denison, Mr. J. E., *Malton*
Durham Election, Mr. Duncan's Case, 707
Income Tax, Com. *cl.* 13, 1044

Denmark, Succession to the Crown of,
l. Observations (Lord Beaumont), 1079

Derby, Earl of
Justice, Administration of (Ireland)—Appointment of Mr. Keogh, Address moved, 1370, 1378
Maldon Election, Address moved, 781

[*cont.*

Derby, Earl of—*continued.*
Oaths, Alteration of, 2R. 848, 851, 859, Com. 1023
Poor Laws, 206, 207, 208
Succession Duties, Com. moved for, 673, 703
Transportation, Address moved, 45

Disraeli, Rt. Hon. B., *Buckinghamshire*
Business, Public, 318, 319
Customs, &c. Acts, Com. Res. 439, 821, 825; (Tea Duties), 826, 829, 831, 833
Durham Election Petitions, 956, 962, 963
Excise Duties upon Spirits, 217
Income Tax, 2R. 438
India, Government of, Leave, 1155, 1194, 1195
Russia and Turkey, 709, 787
Succession Duties, The, 258, 282, 370

Dockyards, Disfranchisement of Electors in,
c. Question (Mr. Masters Smith), 1036

Drumlanrig, Viscount, *Dumfriesshire*
Kilmainham Hospital, Her Majesty's Answer to Address, 149

Drummond, Mr. H., *Surrey, W.*
Combination of Workmen, 3R. 1017
Ecclesiastical Revenues (Ireland), Com. moved for, 913
Judges Exclusion, 3R. Amend. 993
Nunneries, Inspection of, Leave, 117
Succession Duties, The, 341
Supply—Royal Parks, 390;—Oxford and Cambridge Professors, 420;—Hong Kong, 454

Drummond's (Duke de Melfort's) Restitution Bill,
l. 1R.* 1018;
2R. 1278

Duncan, Mr. G., *Dundee*
Durham Election Committee, 708
Sheriff Courts (Scotland), (No. 2), 2R. 188

Duncombe, Mr. T. S., *Finsbury*
Durham Election Petitions, Com. moved for, 145, 146

Dunlop, Mr. A. M., *Greenock*
Income Tax, Com. *cl.* 33, 800; That the Bill do pass, *add. cl.* 1227
Sheriff Courts (Scotland), (No. 2), 2R. 189

Dunne, Lieut.-Col. F. P., *Portarlington*
Criminal Prosecutions (Ireland), Expense of, 441
Excise Duties on Spirits, Com. *cl.* 1, 1391
Income Tax, Com. Amend. 504; *cl.* 1. 541; *cl.* 5, 727; *cl.* 7, 735; *cl.* 15, 745, 746; *cl.* 21, 748; *cl.* 26, 790; *cl.* 31, 793; *cl.* 35, 804; *cl.* 13, 1054; *cl.* 16, 1056, 1057
Supply—Holyhead Harbour, 395;—Harbours of Refuge, 396;—Household of the Lord Lieutenant, 408, 409;—Board of Public Works (Ireland), 410;—Criminal Prosecutions (Ireland), 413;—Colonial Governors, 444;—Hong Kong, 453;—Foundling Hospital (Dublin), 469

Durham Election Petitions,
c. Com. moved for (Mr. Bentinck), 137; Adj. moved (Visct. Palmerston) [A. 107, N. 74, M. 33], 148; Attendance of Mr. Duncan dispensed with, 706; Adj. Debate, 956; Adj. moved (Visct. Palmerston), [A. 80, N. 89, M. 9] 962; Adj. moved (Hon. J. E. Elliott), 963; Motion withdrawn, 964; Report, 1299

Ecclesiastical Commission,
l. Returns moved (Earl Powis), 1032

Ecclesiastical Commissioners for England—Supply,
c. 406, [A. 63, N. 44, M. 19], 407

Ecclesiastical Courts,
c. Question (Mr. Hume), 715

Ecclesiastical Revenues (Ireland),
c. Com. moved for (Mr. G. H. Moore), 862, [A. 98, N. 260, M. 162] 955

Education, Public—Supply,
c. 417

Egerton, Mr. W. T., *Cheshire, N.*
Durham Election, Mr. Duncan's Case, 706

Egerton, Mr. E. C., *Macclesfield*
Durham Election Petitions, Com. moved for, 144
Income Tax, Com. *add. cl.* 814

Eglinton, Earl of
County Elections Polls (Scotland), Com. *cl.* 2, 553
Justice, Administration of (Ireland)—Appointment of Mr. Keogh, Address moved, 1376, 1378, 1379

Election Committees and Petitions,
Barnstaple, c. Address moved (Hon. W. O. Stanley), 136
l. Conference, 197
Berwick-upon-Tweed, c. Com. moved for (Mr. Mitchell), 647; Amend. (Sir W. Jolliffe), 648
Bury St. Edmunds, c. Mr. Martin's Attendance dispensed with, 708; Report, 1207
Clare, c. Report, 1297; New Writ moved (Mr. J. D. Fitzgerald), 1298
Clitheroe, l. Observations (Lord Beaumont), 211
Durham, c. Com. moved for (Mr. Bentinck), 137; Adj. moved (Visct. Palmerston), [A. 107, N. 74, M. 33], 148; Attendance of Mr. Duncan dispensed with, 706; Adj. Debate, 956; Adj. moved (Visct. Palmerston), [A. 80, N. 89, M. 9] 962; Adj. moved (Hon. J. E. Elliott), 963; Motion withdrawn, 964; Report, 1299
Maldon, c. New Writ moved (Mr. T. Chambers), 377; Motion withdrawn, 378
l. Address moved (Earl of Aberdeen), 777
Plymouth, c. New Writ moved (Sir J. Buller), 647
Rye, c. New Writ moved, Adj. Debate, 290; Amend. (Sir C. Burrell), *ib.*; Adj. moved, (Mr. Spooner), 292, 374; Adj. moved (Sir J. Shelley), [A. 52, N. 193, M. 141] 375, [*o. q.* A. 118, N. 99, M. 19] 377
Sligo (Borough), c. Report, 1207
Tynemouth, l. Conference, 1

Election Expenses Bill,
c. 2R. 373

Elections Bill,
c. 2R. 148

Ellenborough, Earl of
Burmese War, 1199, 1206
Foreign Seamen, 194
India, Government of, 309, 561, 566
Mercantile Marine, Returns moved for, 316
Oaths, Alteration of, Com. Amend. 1020
Sandon, Lieut., Courts Martial upon, 492

Ellice, Mr. E., *St. Andrews, &c.*
Bury St. Edmunds Election Committee, Mr. Martin's Attendance dispensed with, 708
Sheriff Courts (Scotland), (No. 2), 2R. 168

Elliot, Hon. J. E., *Roxburghshire*
Durham Election Petitions, Com. moved for, Adj. moved, 963
Sheriff Courts (Scotland), (No. 2), 2R. 186

Emigration—Supply,
c. 424

Entails (Scotland) Bill,
c. 3R.* 566

Evans, Major Gen. Sir De Lacy, *Westminster*
Supply—Oxford and Cambridge Professors, 419

Evidence and Procedure, Law of, Bill,
l. 1R. 293;
2R. 555;
3R. 1196

Ewart, Mr. W., *Dumfries, &c.*
New Trials (Criminal Cases), 2R. 977
Sheriff Courts (Scotland), (No. 2), 2R. 159, 160

Exchequer, Chancellor of the, *see* Chancellor of the Exchequer

Exchequer Bills Bill,
c. 3R.* 79
l. 1R.* 1; 2R.* 194; 3R.* 194
Royal Assent, 293

Exchequer—Supply,
c. 406

Excise Duties on Spirits Bill,
c. Question (Mr. Craufurd), 216; (Capt. Jones), 430;
2R. 380;
Com. *cl.* 1; Amend. (Capt. Jones), 1389, [*o. q.*, A. 100, N. 38, M. 62], 1393;
cl. 15, 1395

Excise Prosecutions,
c. Return moved for (Mr. Gregson), 134

Factories, Inspectors of—Supply,
c. 407

Fagan, Mr. W. T., *Cork City*
Nunneries, Inspection of, Leave, 125

Falkland Islands—Supply
c. 449 ; Amend. (Sir J. Shelley), 450, [A. 33, N. 86, M. 53] 451

Fergusson, Sir R. A., *Londonderry City*
Income Tax, Com. *cl.* 16, 1057

Feversham, Lord
Poor Removal, 2R. 1032

Financial Statement—The Budget—Income Tax,
c. Com. 235 ; Amend. (Mr. Vansittart), 239, [A. 60, N. 120, M. 60] 258 ;
Succession Duties, 258, 325 ; Amend. (Mr. Freshfield), 341 ; Motion *neg.*, 370

Fitzgerald, Mr. J. D., *Ennis*
Clare Election, New Writ moved, 1298
Common Law Courts of (Ireland), *cl.* 10, 1285, 1288 ; *cl.* 32, 1288; *cl.* 38, 1290, 1292, 1293; *cl.* 63, 1293, 1294
Ecclesiastical Revenues (Ireland), Com. moved for, 951
Taxing Officer, Common Law Business (Ireland), Com. 1397, 1399

Fitzroy, Hon. H., *Lewes*
County Rates and Expenditure, Com. *cl.* 4, 192
Hackney Carriages (Metropolis), Com. 426 ; *cl.* 1, 487 ; *cl.* 2, 488 ; 3R. 834, 835, 1018
Supply—Insolvent Debtors Courts, 413

Fitzwilliam, Earl
Poor Laws, 209
Succession Duties, Com. moved for, 699

Forbes, Mr. W., *Stirlingshire*
Sheriff Courts (Scotland), (No. 2), 2R. 170

Forester, Rt. Hon. G. C. W., *Wenlock*
Durham Election Petitions, Com. moved for, 146

Fortescue, Mr. C. S., *Louth*
Income Tax, Com. *cl.* 13, 1052

Fox, Mr. R. M., *Longford*
Supply—Nonconformist, &c. Ministers (Ireland), 483

Fox, Mr. W. J., *Oldham*
Hackney Carriages (Metropolis), Report, 547
Supply—Public Buildings (Ireland), 403

French, Mr. F., *Roscommon, Co.*
Clare Election, New Writ moved, 1298
Income Tax, Com. 510 ; *cl.* 31, 791 ; *cl.* 35, 803 ; *cl.* 13, 1043, 1044, 1046 ; *cl.* 16, 1055
Irish Members and the Government, 221

Freshfield, Mr. J. W., *Penryn and Falmouth*
Income Tax, Com. *cl.* 31, 794, 1037
Succession Duties, The, 286 ; Amend. 338

Frewen, Mr. C. H., *Sussex, E.*
Income Tax, Com. *cl.* 1, Amend. 543 ; *cl.* 33, 795, 796 ; *cl.* 34, 802 ; *cl.* 9, Amend. 1037, 1039
Nunneries, Inspection of, Leave, 103
Rye Election, New Writ moved, 293, 375
Supply—Portpatrick Harbour, 398

Galway, Viscount, *East Retford*
Hackney Carriages (Metropolis), 3R. 834

Gardner, Mr. R., *Leicester*
Ecclesiastical Revenues (Ireland), Com. moved for, 899

George, Mr. J., *Wexford, Co.*
Common Law, Courts of (Ireland), Com. *cl.* 38, 1292
Customs, &c , Acts, Com. (Butter), 1069
Excise Duties on Spirits, Com. *cl.* 1, 1393
Income Tax, Com. *cl.* 35, 803 ; *add. cl.* 813
New Trials (Criminal Cases), 2R. 992

Gibson, Rt. Hon. T. M., *Manchester*
Business, Public, 319, 321, 322
County Rates and Expenditure, Com. *cl.* 4, 193
Jews, Admission of, to Parliament, 380
Pegu, Annexation of, 434
Succession Duties, The, 288

Gladstone, Rt. Hon. W. E., *see* Chancellor of the Exchequer

Glanders Prevention Bill,
c. 1R.* 862 ; 2R.* 1284

Glengall, Earl of
Transportation, 315

Goderich, Visct., *Huddersfield*
Succession Duties, The, 352

Goodman, Sir G., *Leeds*
Income Tax, Com. *cl.* 33, 800 ; That the Bill do pass, *add. cl.* 1219

Goulburn, Rt. Hon. H., *Cambridge University,*
Rye Election, New Writ moved, 374

Graham, Rt. Hon. Sir J. R. G., *Carlisle*
Berwick-upon-Tweed Election, Com. moved for, 649
Supply—Holyhead Harbour, 395 ;—Harbours of Refuge, 396, 397 ;—Portpatrick Harbour, 397, 398 ;—Public Buildings (Ireland), 399

Granby, Marquess of, *Leicestershire, N.*
Customs, &c. Acts, Com. (Butter), 1069
Income Tax, Com. *cl.* 25, 756

Granville, Earl
Aggravated Assaults, 2R. 551
Burmese War, 1206
India, Government of, 564
Sandon, Lieut., Courts Martial on, 493
Succession Duties, Com. moved for, 684, 685, 700

Great Western Railway Company,
l. Petition (Marquess of Bath), 1359

Gregson, Mr. S., *Lancaster*
Excise Prosecutions, Return moved for, 134, 136

Greville, Colonel F. S., *Longford*
Income Tax, Com. *cl.* 13, 1046
Irish Members and the Government, 231

Grey, Earl
Transportation, Address moved, 1, 32, 56, 64, 75

Grey, Rt. Hon. Sir G., *Morpeth*
Church Rates, Leave, 627
New Trials (Criminal Cases), 2R. 990

Grogan, Mr. E., *Dublin, City*
Excise Duties on Spirits, Com. *cl.* 15, 1396
Income Tax, Com. *cl.* 16, 1057 ; 3R. 1209

Grosvenor, Rt. Hon. Lord R., *Middlesex*
Maldon Election, New Writ moved, 378

Hackney Carriages (Metropolis) Bill,
c. Com. 422 ; Amend. (Sir R. H. Inglis), 425, [*o. q.*, A. 107, N. 23, M. 84] 429 ;
cl. 1, 485 ;
cl. 2, Amend. (Lord D. Stuart), [A. 6, N. 66, M. 60] 488 ;
Report, 547 ;
3R. Amend. (Lord D. Stuart), 834 ; Motion withdrawn, 835 ; Adj. Debate, *cl.* 2, Amend. (Mr. Pigott), [A. 42, N. 79, M. 37] 1018 ; *cl.* 6, Amend. (Mr. Ald. Cubitt), 1018
l. 1R.* 1072 ;
2R. 1295

Hadfield, Mr. G., *Sheffield*
Registration of Assurances, 715
Supply—Public Buildings (Ireland), 402 ;—Oxford and Cambridge Professors, 417

Hamilton, Rt. Hon. Lord C., *Tyrone*
Coffee and Chicory, Sale of, 324
Income Tax, Com. 513; *cl.* 1, Amend. 538, 543
Nunneries, Inspection of, Leave, 127
Supply—Nonconforming, &c. Ministers (Ireland), 471

Hamilton, Mr. G. A., *Dublin University*
Income Tax, Com. *cl.* 5, 723; *cl.* 7, 736; *cl.* 15, 744 ; *cl.* 29, 791 ; *cl.* 16, 1057
Supply—Consular Establishments, 458

Harbours of Refuge—Supply,
c. 396

Harcourt, Col. F. V., *Isle of Wight*
Income Tax, 3R. 1208

Hardwicke, Earl of
Poor Removal, 2R. 1031
Russia and Turkey, 655, 758

Harrowby, Earl of
Oaths, Alteration of, 2R. 861
Wages, Arrestment of (Scotland), 1283

Hastie, Mr. A., *Glasgow*
Income Tax, Com. *add. cl.* 814
India, Government of, Leave, 1343
Supply—Harbours of Refuge, 397 ;—Nonconforming, &c. Ministers (Ireland), 483
Sheriff Courts (Scotland), (No. 2), 2R. 165

Hayter, Rt. Hon. W. G., *Wells*
Irish Members and the Government, 223

Headlam, Mr. T. E., *Newcastle-on-Tyne*
Durham Election Petitions, Com. moved for, 139
Succession Duty, 2R. 1386

Heathcoat, Mr. J., *Tiverton*
Succession Duties, The, 289

Heligoland—Supply,
c. 449

Henchy, Mr. D. O., *Kildare*
Supply—Household of the Lord Lieutenant, 409

Herbert, Rt. Hon. S., *Wiltshire, S.*
Durham Election Petitions, Com. moved for, 144, 963
Kilmainham Hospital, 437
Supply—Public Buildings (Ireland), 401

Herbert, Mr. H. A., *Kerry*
Income Tax, Com. *cl.* 33, 795 ; *cl.* 13, 1051 ; *cl.* 16, 1055

Heyworth, Mr. L., *Derby*
Income Tax, 3R. 1209

Hindley, Mr. C., *Ashton-under-Lyne*
Hackney Carriages (Metropolis), Com. *cl.* 1, 487
Supply—Ministers at Foreign Courts, 462 ;—Polish Refugees, &c. 466 ;—Miscellaneous Charges, 467

Hogg, Sir J. W., *Honiton*
India, Government of, Leave, 1241, 1247

Holyhead Harbour—Supply,
c. 395

Hotham, Lord, *Yorkshire, E. R.*
Judges Exclusion, 3R. 1008, 1011

Hong Kong—Supply,
c. 451 ; Amend. (Mr. Maguire), [A. 32, N. 76, M. 44] 454

Howard, Rt. Hon. Lord E. G. F., *Arundel*
Nunneries, Inspection of, Leave, 114, 115

HUME, Mr. J., *Montrose, &c.*
Church Rates, Leave, 611
Common Law, Courts of (Ireland), Com. *cl.* 38, 1291
County Rates and Expenditure, Com. *cl.* 4, 193
Customs, &c. Acts, Com. (Oranges and Lemons), 1352; (Stockings), 1356, 1357
Ecclesiastical Courts, 715
Excise Prosecutions, Return moved for, 135
Income Tax, Com. 252; 3R. 1208
India, Government of, Leave, 1195, 1344
Indian Despatches, 1299, 1300
Judges Exclusion, 3R. 1014
Sheriff Courts (Scotland), (No. 2), 2R. 183
Succession Duties, The, 287, 332
Succession Duty, 2R. 1385, 1387

HUTCHINS, Mr. E. J., *Lymington*
Supply—Miscellaneous Charges, 468

Hyde Park, Improvements in,
c. Question (Mr. Oliveira), 429

Income Tax, The—Financial Statement,
c. Com. 235, Amend. (Mr. Vansittart), 239, [A. 60, N. 120, M. 60] 258

Income Tax Bill,
c. 1R.* 318;
2R. 438;
Com. 504; Amend. (Col. Dunne), 510, [*o. q.* A. 194, N. 61, M. 133] 536;
cl. 1, Amend. (Lord C. Hamilton), 538; Amend. withdrawn, 543; Amend. (Mr. Frewen), [*o. q.* A. 223, N. 82, M. 141] 544;
cl. 3, Amend. (Mr. Michell), 544; Amend. (Rt. Hon. S. H. Walpole), 546; 1st Amend. withdrawn, *ib.*, [A. 72, N. 164, M. 92] 547, 716;
cl. 5, 716, [A. 96, N. 27, M. 70] 735;
cl. 7, 735;
cl. 12, 736; Amend. (Lord Naas), 741; Amend. postponed, 742;
cl. 13, 739; *cl.* 15, 743;
cl. 20, Amend. (Mr. I. Butt), 747; Amend. withdrawn, 748;
cl. 25, Amend. (Mr. Brocklehurst), 748; Amend. withdrawn, 749; Amend. (Mr. I. Butt), 753, [*o. q.* A. 205, N. 49, M. 156] 757; Amend. (Mr. Michell), [A. 31, N. 130, M. 99] 758;
cl. 26; Proviso (Mr. Barrow), 788; Proviso withdrawn, 790;
cl. 29, 790;
cl. 31, Amend. (Mr. Spooner), 792, [A. 69, N. 145, M. 76] 795;
cl. 33, 795; Amend. (Mr. W. Lockhart), 797, [A. 42, N. 101, M. 59] 801;
cl. 34, 802;
cl. 35, Amend. (Lord Naas), 802;
cl. 38, 804; *cl.* 41, 804;
add. cl. (Chancellor of the Exchequer), 805;
add. cl. (Mr. I. Butt), 808; *cl.* withdrawn, 810; *add. cl.* 819; *cl.* neg. 820;
add. cl. (Mr. Blackett), 810; *cl.* neg. 817;
add. cl. (Mr. J. Ball), 817; *cl.* neg. 819;
cl. 9, Amend. (Mr. Frewen), 1037; Amend. withdrawn, 1039;
cl. 13, 1039, Amend. (Mr. I. Butt), 1043; [*o. q.* A. 170, N. 61, M. 109] 1046;
[*cont.*

Income Tax—*continued.*
Amend. (Mr. Cairns), 1048, [A. 66, N. 94, M. 28] 1054;
cl. 15: *cl.* 16, 1055;
add. cl. (Chancellor of the Exchequer), 1057;
add. cl. (Mr. M'Mahon), 1059; *cl.* withdrawn, 1060;
add. cl. (Mr. I. Butt), 1060;
3R. 1208, [A. 189, N. 55, M. 134] 1212;
That the Bill do pass, *add. cl.* (Sir F. Kelly), 1214, [A. 31, N. 144, M. 113] 1220;
add. cl. (Sir A. Campbell), 1221, [A. 54, N. 98, M. 44] 1228;
add. cl. (Chancellor of the Exchequer), 1228;
Bill *passed*, 1230
l. 1R.* 1294

India,
Burmese War, l. Question (Earl of Ellenborough), 1199
Despatches, c. Question (Mr. Hume), 1299
Government of, l. Petition (Earl of Albemarle), 298, 1034; (Lord Monteagle), 558
c. Observations (Mr. Rich), 381
Judges, c. Question (Mr. Otway), 955
Opium, Growth of, c. Question (Mr. Bright), 955
Pegu, Annexation of, c. Question (Mr. Cobden), 431

India, Government of, Bill,
c. Leave, 1092; Adj. Debate, 1230, 1278, 1300; 1R.* 1351

Indian Department (Canada)—Supply,
c. 442

INGLIS, Sir R. H., *Oxford University*
Business, Public, 322
Church Rates, Leave, 612
Durham Election Petitions, Com. moved for, 963
Ecclesiastical Revenues (Ireland), Com. moved for, 895
Hackney Carriages (Metropolis), Com. Amend. 422; 3R. *cl.* 2, 1018
Irish Members and the Government, 235
Judges Exclusion, 3R. 996, 1011
Nunneries, Inspection of, Leave, 129
Supply—Royal Parks, 392;—Oxford and Cambridge Professors, 419;—Theological Professors (Belfast), 421

Insolvent Debtors Courts—Supply,
c. 412

Ireland,
Clare Election Committee, c. Report, 1297; New Writ moved (Mr. J. Fitzgerald), 1298
Crime in, l. Returns moved for (Earl of Clancarty), 1087
Criminal Prosecutions, Expenses of, c. Observations (Mr. Macartney), 441
Ecclesiastical Revenues, c. Com. moved for (Mr. G. H. Moore), 862, [A. 98, N. 260, M. 169] 955
Keogh, Mr. Appointment of, l. Address moved (Marquess of Westmeath), 1362; Motion withdrawn, 1379
Kilmainham Hospital, c. Her Majesty's Answer
[*cont.*

Ireland—continued.
to Address, 149; Question (Mr. I. Butt), 437
Maynooth College, c. Question (Mr. Maguire), 438
Sligo (Borough) Election, c. Report, 1207
Supply—Public Buildings (Ireland), 398, Amend. (Mr. Spooner), 399; (Mr. W. Williams), 403, [A. 43, N. 80, M. 37] 404; [A. 74, N. 54, M. 20] 405;—*Household of the Lord Lieutenant*, 408; Amend. (Mr. W. Williams), 409, [A. 31, N. 92, M. 61] 410;—*Chief Secretary*, 410;—*Paymaster of Civil Services*, 410;—*Board of Public Works*, 410;—*Criminal Prosecutions*, 413;—*Public Education*, 417;—*Royal Dublin Society*, 417;—*Royal Irish Academy*, 421;—*Royal Hibernian Academy*, 421;—*Theological Professors Belfast*), 421, Amend. (Mr. Miall), [A. 21, N. 130, M. 109] 422;—*Queen's University*, 422;—*Hospitals*, 469;—*Nonconforming, &c. Ministers*, 470, [A. 181, N. 46, M. 135] 485;—*Concordatum Fund, &c.* 485
See
Land, Transfer of (Ireland) Bill
Taxing Officer, Common Law Business (Ireland) Bill

Irish Members and the Government,
c. Observations (Capt. Magan), 219

Jews, Admission of, to Parliament,
c. Question (Rt. Hon. T. M. Gibson), 380

JOCELYN, Viscount, *Lynn Regis*
China, Rebellion in, 436

JOLLIFFE, Sir W. G. H., *Petersfield*
Berwick-upon-Tweed Election, Com. moved for, Amend. 647
Customs, &c. Acts, Com. (Apples), 1068; (Butter), 1070; (Oranges and Lemons), 1352, 1354
Succession Duties, The, 289
Supply—Polish Refugees, &c. 466

JONES, Capt. T., *Londonderry*
Excise Duties on Spirits, 218; 2R. 380, 430; Com. *cl.* 1, Amend. 1387

Judges Exclusion Bill,
c. 3R. 993; Amend. (Mr. Drummond), 996, [*o. q.* A. 123, N. 224, M. 101] 1014

Justice, Administration of (Ireland)—Appointment of Mr. Keogh,
l. Address moved (Marquess of Westmeath), 1362; Motion withdrawn, 1379

Juvenile Mendicancy Bill,
l. 1R.* 293

KEATING, Mr. H. S., *Reading*
Durham Election Petition, Com. moved for, 963

KELLY, Sir F., *Suffolk, E.*
Business, Public, 322
Customs, &c. Acts, Com. Res. 371, 440
[*cont.*

KELLY, Sir F.—*continued.*
Income Tax, The, 242, 247, 249; Com. *cl.* 5, 725; *cl.* 26, 789; That the Bill do pass, *add. cl.* 1214, 1220
Registration of Assurances, 715
Rye Election, New Writ moved, 376
Succession Duty, 2R. 1384

KENDALL, Mr. N., *Cornwall, E.*
Income Tax, The, 252, 255
Supply—Public Buildings (Ireland), 399

KENNEDY, Mr. T., *Louth*
Income Tax, 3R. 1209

KEOGH, Mr. W., *Athlone*
Common Law, Courts of (Ireland), Com. *cl.* 10, 1285; *cl.* 32, 1288; *cl.* 38, 1290; *cl.* 63, 1293

Keogh, Mr., Appointment of,
l. Address moved (Marquess of Westmeath), 1362; Motion withdrawn, 1379

Kilmainham Hospital,
c. Her Majesty's Answer to Address, 149; Question (Mr. I. Butt), 437

KING, Hon. P. J. L., *Surrey, E.*
Durham Election Petitions, Com. moved for, 142

Kingstown Harbour—Supply,
c. 406

KINNAIRD, Hon. A. F., *Perth*
Income Tax, That the Bill do pass, *add. cl.* 1227
Supply—Royal Parks, 390;—Ministers at Foreign Courts, 461

KIRK, Mr. W., *Newry*
Income Tax, Com. *cl.* 5, 733; *cl.* 15, 743; *cl.* 25, 757; *add. cl.* 820; *cl.* 13, 1044

KNOX, Col. B. W., *Marlow*
Hackney Carriages (Metropolis), Com. *cl.* 1, 487
Rye Election, New Writ moved, 375

KNOX, Hon. Capt. W. S., *Dungannon*
Income Tax, Com. *cl.* 3, 546

LABOUCHERE, Rt. Hon. H., *Taunton*
Durham Election, Mr. Duncan's Case, 708

Labuan—Supply,
c. 454

LAING, Mr. S., *Wick, &c.*
Income Tax, That the Bill do pass, *add. cl.* 1219

Land, Transfer of (Ireland),
c. Leave, 134

La Plata, Affairs of,
l. Question (Earl of Malmesbury), 1072

Law Charges—Supply,
c. 412

Legacy Duty, see *Succession Duties*

Liddell, Mr. H. G., *Northumberland*
Succession Duties, The, 350

Local Assessment Bill,
l. 1R.* 1.

Locke, Mr. J., *Honiton*
Hackney Carriages (Metropolis), Com. 429

Lockhart, Mr. W., *Lanarkshire*
Income Tax, Com. *cl.* 33, Amend. 797, 800

Lodging Houses, Common, Bill,
l. 2R. 294;
Com. 553; 3R.* 1018
c. 1R.* 1207; 2R.* 1284

Lord Lieutenant of Ireland, Household of—Supply,
c. 408; Amend. (Mr. W. Williams), 409, [A. 31, N. 92, M. 61] 410

Lucas, Mr. F., *Meath*
Ecclesiastical Revenues (Ireland), Com. moved for, 933
Income Tax, Com. *cl.* 5, 734; *cl.* 29, 790, 791; *cl.* 31, 795,; *cl.* 33, 796; *cl.* 13, 1045
Irish Members and the Government, 229
Nunneries, Inspection of, Leave, 121
Supply—Public Buildings (Ireland), 402, 403; —General Superintendence, 414, 415; Africa, Civil Establishments on the West Coast, 446, 447, 448;—Falkland Islands, 449;—Hong Kong, 453

Lunacy Regulation Bill,
c. 1R.* 215; 2R.* 429

Lunatic Asylums Bill,
c. 1R.* 215; 2R. 429

Lunatics Cure and Treatment Bill,
c. 1R.* 215; 2R.* 429

Lyndhurst, Lord
County Courts—Costs, 1077
Drummond's (Duke de Melfort's) Restitution, 2R. 1280
Hackney Carriages (Metropolis), 2R. 1296
Oaths, Alteration of, 2R. 838, 851

Macartney, Mr. G., *Antrim*
Criminal Prosecutions (Ireland), Expense of, 441
Customs, &c., Acts, Com. (Butter), 1071
Income Tax, Com. 511; *cl.* 13, 740, 1052

Macaulay, Rt. Hon. T. B., *Edinburgh*
Judges Exclusion, 3R. 996

M'Cann, Mr. J., *Drogheda*
Excise Duties on Spirits, Com. *cl.* 1, 1392

MacGregor, Mr. James, *Sandwich*
Hackney Carriages (Metropolis), Report, 547

MacGregor, Mr. John, *Glasgow*
Excise Duties on Spirits, Com. *cl.* 1, 1389, 1390, 1393
Sheriff Courts (Scotland), (No. 2), 2R. 176
Supply—Clergy in North America, 442;—Indian Department (Canada), 443, 444;—Colonial Governors, 445

Mackie, Mr. J., *Kirkcudbrightshire*
Sheriff Courts (Scotland), (No. 2), 2R. 174

M'Mahon, Mr. P., *Wexford, Co.*
Excise Duties on Spirits, Com. *cl.* 1, 1390
Income Tax, Com. *cl.* 33, 801; *cl.* 13, 1046; *add. cl.* 1058
New Trials (Criminal Cases), 2R. 989
Supply—Criminal Prosecutions (Ireland), 413, 414;—Africa, Civil Establishments on the West Coast, 448;—Falkland Islands, 451; —Hong Kong, 452;—Nonconformist, &c., Ministers (Ireland), 485

Maddock, Sir T. H., *Rochester*
India, Government of, Leave, 1324

Magan, Capt. W. H., *Westmeath*
Irish Members and the Government, 219, 226, 227, 228

Maguire, Mr. J. F., *Dungarvan*
Ecclesiastical Revenues (Ireland), Com. moved for, 915
Excise Duties on Spirits, 431
Income Tax, Com. 530; *cl.* 5, 733; *cl.* 13, 741, 742; *cl.* 20, 747; *add cl.* 808; *cl.* 13, 1043, 1045, 1046; 3R. 1211, 1212
Maynooth College, 438
Supply—Hong Kong, Amend. 453, 454;—Nonconforming, &c. Ministers (Ireland), 483

Maldon Election,
c. New Writ moved (Mr. T. Chambers), 377; Motion withdrawn, 378
l. Address moved (Earl of Aberdeen), 777

Malins, Mr. R., *Wallingford*
Durham Election Petitions, Com. moved for, 140
Hackney Carriages (Metropolis), Com. 428
Income Tax, The, 253; *cl.* 38, 804
Irish Members and the Government, 225, 226
Succession Duties, The, 288
Supply—Royal Parks, 389

Malmesbury, Earl of
Denmark, Succession to the Crown of, 1086
Great Western Railway Company, 1361
La Plata, Affairs of, 1072
Poor Laws, 200
Russia and Turkey, 651
Succession Duties, Com. moved for, 659, 685

Malta, Criminal Code of,
l. Question (Earl of Shaftesbury), 1195

Mangles, Mr. R. D., *Guildford*
India, Government of, Leave, 1176, 1306

Manners, Rt. Hon. Lord J. J. R., *Colchester*
Customs, &c. Acts. Com. Res. 822, 824; (Cables), 1063, 1064; (Pictures), 1065, 1067

Masterman, Mr. J., *London*
Customs, &c. Acts, Com. (Tea Duties), 828

Maynooth College,
c. Question (Mr. Maguire), 438; see *Supply—Public Buildings* (*Ireland*)

Medical Profession, The,
c. Question (Lord D. Stuart), 1091

Mercantile Marine,
l. Returns moved for (Lord Redesdale), 315

Miall, Mr. E., *Rochdale*
Church Rates, Leave, 620
Supply—Public Buildings (Ireland), 401, 404;—Theological Professors (Belfast), 421;—Africa, Civil Establishments on the West Coast, 448;—Heligoland, Amend. 449;—Miscellaneous Charges, 467

Michell, Mr. W., *Bodmin*
Income Tax, Com. *cl.* 3, Amend. 544; *cl.* 5, 729; *cl.* 25, Amend. 757

Miles, Mr. W., *Somersetshire, E.*
Australia, Emigrants to, 566
Clare Election Committee, Report, 1297; New Writ moved, 1298, 1299
County Rates and Expenditure, Com. *cl.* 4, 192
Durham Election Petitions, Com. moved for, 139
Income Tax, Com. *add. cl.* 816
Rye Election, New Writ moved, 375

Milnes, Mr. R. M., *Pontefract*
India, Government of, Leave, 1195

Ministers at Foreign Courts—Supply,
c. 459

Mint, The—Supply,
c. 407

Miscellaneous Charges formerly defrayed from the Civil List—Supply,
c. 467

Miscellaneous Estimates,
c. 388, 442

Mitchell, Mr. T. A., *Bridport*
Berwick-upon-Tweed Election, Com. moved for, 647, 648, 649
Customs, &c. Acts, Com. (Tea Duties), 1061; (Cables), 1062
Income Tax, Com. *add. cl.* 817

Moffatt, Mr. G., *Ashburton*
Customs, &c. Acts, Com. (Tea Duties), 825; (Raisins), 1354, 1355

Molesworth, Rt. Hon. Sir W., *Southwark*
Hyde Park, Improvements in, 430
Statues in the Metropolis, 379
Supply—Royal Parks, 389, 390, 391;—Parliament, New Houses of, 393, 394
Ventilation of the House, 324

Monck, Viscount, *Portsmouth*
Common Law, Courts of (Ireland), Com. *cl.* 38, 1292

Moncreiff, Rt. Hon. J., *see* Advocate, The Lord

Monteagle, Lord
Chimney Sweepers Regulation, Report, 500
India, Government of, 558

Moore, Mr. G. H., *Mayo*
Ecclesiastical Revenues (Ireland), Com. moved for, 862, 881, 901, 953

Moore, Mr. R. S., *Armagh, City*
Common Law, Courts of (Ireland), Com. *cl.* 10, 1287
Ecclesiastical Revenues (Ireland), Com. moved for, 908
Taxing Officer, Common Law Business (Ireland), Com. 1397

Mullings, Mr. J. R., *Cirencester*
Clare Election, New Writ moved, 1298

Murphy, Mr. Serjeant F. S., *Cork, City*
Excise Duties on Spirits, Com. *cl.* 15, 1396
Nunneries, Inspection of, Leave, 100

Murrough, Mr. J. P., *Bridport*
Ecclesiastical Revenues (Ireland), Com. moved for, 886

Naas, Rt. Hon. Lord, *Coleraine*
Income Tax, Com. *cl.* 12, 736; Amend. 741, 742; *cl.* 15, 743, 745, 746; *cl.* 33, 795; *cl.* 35, Amend., 802; *add. cl.* 807, 808; *cl.* 13, 1053; *cl.* 16, 1056

Napier, Rt. Hon. J., *Dublin University*
Common Law, Courts of (Ireland), Com. *cl.* 1, 1284; *cl.* 10, 1286; *cl.* 38, 1291; *cl.* 63, 1293
Income Tax, Com. *cl.* 13, 1052; *cl.* 16, 1057
New Trials (Criminal Cases), 2R. 986, 988

National Gallery—Supply,
c. 422

Negroes, Captured, Support—Supply,
c. 455

Newcastle, Duke of
Justice, Administration of (Ireland)—Appointment of Mr. Keogh, Address moved, 1372, 1377, 1378, 1379
Lodging Houses, Common, 2R. 298
Malta, Criminal Code of, 1196
Transportation, Address moved, 55, 56, 64, 69, 315

NEWDEGATE, Mr. C. N., *Warwickshire, N.*
Customs, &c. Acts, Com. (Cables), 1063; (Pictures), 1066
Ecclesiastical Revenues (Ireland), Com. moved for, 900, 901
Hackney Carriages (Metropolis), Com. 428
Income Tax, Com. *cl.* 3, 716
Newspaper Stamp Duties, 219
Nunneries, Inspection of, Leave, 103, 115
Succession Duties, The, 287, 361
Supply—Indian Department (Canada), 443, 444;—Nonconforming, &c. Ministers (Ireland), 484

Newspaper Stamp Duties,
c. Question (Mr. J. L. Ricardo), 218

New Trials (Criminal Cases) Bill,
c. 2R. 964; Amend. (Visct. Palmerston), 983

New Zealand—Supply,
c. 449

New Zealand Company,
c. Question (Mr. Baillie), 503

NORREYS, Sir C. D. O. J., *Mallow*
Income Tax, Com. *cl.* 3, 546; *cl.* 5, 727; *cl.* 13, 740, 1053; *cl.* 15, 746

Nunneries, Inspection of,
c. Leave, 79, [A. 138, N. 115, M. 23] 132;—see *Recovery of Personal Liberty Bill*

Oaths, Alteration of, Bill,
l. 1R.* 194;
2R. 838;
Com. 1020; Amend. (Earl of Ellenborough), 1022, [*o. q.*, Content, 69, Not Content, 84, M. 15] 1029

O'BRIEN, Sir T., *Cashel*
Excise Duties on Spirits, Com. *cl.* 1, 1395; *cl.* 15, 1396

O'BRIEN, Mr. P., *King's County*
Excise Duties on Spirits, Com. *cl.* 1, 1393

O'CONNELL, Mr. M., *Tralee*
Ecclesiastical Revenues (Ireland), Com. moved for, 880
Income Tax, Com. *cl.* 1, 542; *cl.* 3, 547
Irish Members and the Government, 222, 230
Supply—Nonconforming, &c. Ministers (Ireland), 484

OLIVEIRA, Mr. B., *Pontefract*
Hyde Park, Improvements in, 429

OTWAY, Mr. A. J., *Stafford*
Indian Judges, 955

OVERSTONE, Lord
Poor Laws, 205, 207

OXFORD, Bishop of
Cathedral Appointments, 3R. 317
Cuba, Importation of Slaves into, 774

Oxford and Cambridge Professors—Supply,
c. 417

PAKINGTON, Rt. Hon. Sir J. S., *Droitwich*
Berwick-upon-Tweed Election, Com. moved for, 649
County Rates and Expenditure, Com. *cl.* 4, 192, 193
Income Tax, Com. 524; *cl.* 5, 730
Rye Election, New Writ moved, 290, 292, 377
Succession Duties, The, 286, 325
Succession Duty, 2R. 1380

Palaces, Royal—Supply,
c. 388

PALMERSTON, Rt. Hon. Viscount, *Tiverton*
Business, Public, 318, 321
Combination of Workmen, 3R. 1017
Durham Election Petitions, Com. moved for, Adj. moved, 147, 956, 962, 964
Hackney Carriages (Metropolis), 3R. 834
Income Tax, Com. *cl.* 13, 1053
Maldon Election, New Writ moved, 378
Medical Profession, The, 1092
New Trials (Criminal Cases), 2R. 978; Amend. 980
Rye Election, New Writ moved, 293, 374, 375
Supply—Africa, Civil Establishments on the West Coast, 446, 448;—Consular Establishments, 455;—Ministers at Foreign Courts, 459, 460, 461, 462, 463, 464;—Polish Refugees, &c. 465

PANMURE, Lord
Chimney Sweepers Regulation, Report, 497, 499, 503
County Elections Polls (Scotland), Com. 552; *cl.* 2, 553
Small Debts (Scotland) Act Amendment, 1R. 1294

Parish Vestries Bill,
c. 1R.* 1091

Parks, Royal—Supply,
c. 389

Parliament, New Houses—Supply,
c. 393, 406

Paymaster General—Supply,
c. 406

PECHELL, Sir G. R., *Brighton*
Church Rates, Leave, 569
Hackney Carriages (Metropolis), 3R. 835
Supply—Falkland Islands, 450;—Hong Kong, 454;—Consular Establishments, 457

PEEL, Mr. F., *Bury (Lancashire)*
Australia, Emigrants to, 566
Supply—Clergy in North America, 442;—Indian Department (Canada), 443;—Colonial Governors, 444, 445;—Africa, Civil Establishments on the West Coast, 446, 448;—Heligoland, 449;—Falkland Islands, 450, 451;—Hong Kong, 452, 453

Pegu, Annexation of,
c. Question (Mr. Cobden), 431

PELLATT, Mr. A., *Southwark*
Church Rates, Leave, 618
Customs, &c. Acts, Com. (Butter), 1069
Income Tax, That the Bill do pass, *add. cl.* 1229
Supply — Harbours of Refuge, 397;—Public Buildings (Ireland), 400;—Salaries of certain Officers (Scotland), 407;—Secret Service, 412;—Insolvent Debtors Courts, 412;—Oxford and Cambridge Professors, 420;—Theological Professors (Belfast), 421;—Africa, Civil Establishments on the West Coast, 446, 448;—Consular Establishments, 457;—Ministers at Foreign Courts, 464

Perjury, Alleged Increase of,
l. Returns moved for (Lord Brougham), 548

PETO, Mr. S. M., *Norwich*
Church Rates, Leave, 604
Succession Duties, The, 359

PHILLIMORE, Mr. J. G., *Leominster*
Ecclesiastical Revenues (Ireland), Com. moved for, 906
Income Tax, Com. *cl.* 5, 724; *add. cl.* 814
India, Government of, Leave, 1194, 1195, 1230, 1263
Indian Judges, 956
New Trials (Criminal Cases), 2R. 978
Rye Election, New Writ moved, 375

PHILLIMORE, Mr. R. J., *Tavistock*
Church Rates, Leave, 567, 597, 643

PHINN, Mr. T., *Bath*
Common Law, Courts of (Ireland), Com. *cl.* 63, 1293
Durham Election Petitions, Com. moved for, 957
New Trials, Criminal Cases, 2R. 983

Pictures—Customs Acts,
c. Com. 1065, [A. 186; N. 46; M. 140] 1068

PIGOTT, Mr. F., *Reading*
Hackney Carriages (Metropolis), 3R. *cl.* 2, Amend. 1018

Plymouth Election,
c. New Writ moved (Sir J. Buller), 647

Polish Refugees, &c.—Supply,
c. 465

Poor Law Commission—Supply,
c. 407

Poor Laws,
l. Petition (Earl of Malmesbury), 200

Poor Removal Bill,
l. 1R.* 1;
2R. 1030; Motion *neg.*, 1032

Port Patrick Harbour—Supply,
c. 397

POWIS, Earl of
Ecclesiastical Commission, Returns moved for, 1032, 1034

Printing and Stationery—Supply,
c. 412

Prisoners, Maintenance of, in County Gaols—Supply,
c. 417

Privy Council Office—Supply,
c. 406

Privy Seal, Lord—Supply,
c. 406

Protest—Maldon Election,
l. 784

Public Buildings (Ireland)—Supply,
c. 398; Amend. (Mr. Spooner), 399; Mr. W. Williams), 403, [A. 43, N. 80, M. 37] 404; [A. 74, N. 54, M. 20] 405

Public Works Loan Bill,
c. 1R.* 1297

Raisins—Customs Acts,
c. Com. 1061

Records, Public—Supply,
c. 407

Recovery of Personal Liberty Bill,
c. 1R.* 215;—see *Nunneries, Inspection of*

REDESDALE, Lord
Chimney Sweepers Regulation, Report, 503
Clitheroe Election, 214
Great Western Railway Company, 1362
Lodging Houses, Common, 2R. 297
Mercantile Marine, Returns moved for, 315
Oaths, Alteration of, 2R. 857

Refuge for the Destitute—Supply,
c. 465

Registration of Assurances Bill
c. 1R.* 429
2R. 714

REPTON, Mr. G. W. J., *Warwick*
Supply—Polish Refugees, &c. 465, 467

RICARDO, Mr. J. L., *Stoke-upon-Trent*
Newspaper Stamp Duties, 218, 219

RICH, Mr. H., *Richmond*
India, Government of, 581

RUSSELL, Rt. Hon. Lord J., *London*
China, Rebellion in, 436
Church Rates, Leave, 633
Customs, &c. Acts, Com. (Tea Duties), 829, 833
Dockyards, Disfranchisement of Electors in, 1036
Ecclesiastical Courts, 715
Ecclesiastical Revenues (Ireland), Com. moved for, 940
Income Tax, Com. *cl.* 3, 547; *cl.* 5, 731; *add. cl.* 808
India, Government of, 381; Leave, 1194, 1195
[*cont.*

Russell, Lord John—*continued*
Indian Despatches, 1300
Jews, Admission of, to Parliament, 380
Maynooth College, 438
New Zealand Company, 504
Nunneries, Inspection of, Leave, 108, 125
Plymouth Election, New Writ moved, 647
Registration of Assurances, 714, 715
Russia and Turkey, 711, 788
Supply—Royal Palaces, 388;—Royal Parks, 392;—Public Buildings (Ireland), 404, 405;—Secret Service, 412;—Insolvent Debtors Courts, 412;—General Superintendence, 415, 416;—Oxford and Cambridge Professors, 418;—Indian Department (Canada), 443, 444;—Africa, Civil Establishments on the West Coast, 447;—Falkland Islands, 451;—Hong Kong, 453;—Consular Establishments, 457, 458;—Nonconforming, &c. Ministers (Ireland), 479

Russia and Turkey,
l. Question (Earl of Malmesbury), 657; (Earl of Hardwicke), 758
c. Question (Rt. Hon. B. Disraeli), 709, 787

Rye Election,
c. New Writ moved, Adj. Debate, 290; Amend. (Sir C. Burrell), *ib.*; Adj. moved (Mr. Spooner), 292, 374; Adj. moved (Sir J. Shelley), [A. 52, N. 193, M. 141] 375; [*o. q.* A. 118, N. 99, M. 19] 377

St. Helena—Supply,
c. 449

St. Leonards, Lord
Bankruptcy Bills, Minutes of Evidence, 196, 197
Chimney Sweepers Regulation, 2R. 199; Report, 498, 499
Clitheroe Election, 214
County Courts—Costs, 1078
Lodging Houses, Common, 2R. 298
Maldon Election, Address moved, 777; 779;—Protest, 784
Stock, Conversion of—Funds in Chancery, 761, 762, 835, 837
Succession Duties, Com. moved for, 687

Salisbury, Marquess of,
Poor Laws, 211

Salisbury, Bishop of
Great Western Railway Company, 1361

Sandars, Mr. G., *Wakefield*
Agricultural Statistics, 378

Sandon, Lieut., Courts Martial on,
l. Question (Earl of Ellenborough), 492

Savings Banks Bill,
c. 1R.* 1297

Savings Banks Annuities Bill,
c. 1R.* 1297

Science and Art, Departments of—Supply,
c. 417, 422

Scobell, Capt. G. T., *Bath*
County Rates Expenditure, Com. *cl.* 4, 192
Income Tax, That the Bill do pass, *add. cl.* 1228
Supply—Hong Kong, 452, 453, 454;—Consular Establishments, Amend. 455, 459;—Ministers at Foreign Courts, 460

Scotland,
Supply—Portpatrick Harbour, 397;—*Salaries of certain Officers,* Amend. (Mr. A. Pellatt), 407; Motion neg., 408;—*Criminal Prosecutions,* 413;—*Universities,* 421
See
Bankruptcy (Scotland) Bill
Burghs (Scotland) Bill
Burghs Harbours (Scotland) Bill
County Elections, Polls (Scotland) Bill
Entails (Scotland) Bill
Sheriff Courts (Scotland) (No. 2) Bill
Small Debts (Scotland) Act Amendment Bill

Scully, Mr. F., *Tipperary*
Income Tax, Com. 528; *cl.* 15, 743, 746; *cl.* 13, 1044, 1051
Supply—Criminal Prosecutions (Ireland), 414

Scully, Mr. V., *Cork, Co.*
Common Law, Courts of (Ireland), Com. *cl.* 38, 1293
Irish Members and the Government, 231
Land, Transfer of (Ireland), Leave, 134
Taxing Officer, Common Law Business (Ireland), Com. Amend. 1397, 1400

Seaham, Viscount, *Durham, N.*
Rye Election, New Writ moved, 377

Seamen, Foreign,
l. Petition (Earl of Ellenborough), 194

Secret Service—Supply,
c. 412

Secretaries of State—Supply,
c. 406

Seymour, Mr. H. D., *Poole*
India, Government of, Leave, 1328

Seymour, Mr. W. D., *Sunderland*
Supply—Household of the Lord Lieutenant, 410

Shaftesbury, Earl of
Burial Grounds, Com. 1090
Chimney Sweepers Regulation, 2R. 198; Report, 501, 502
Crystal Palace Sydenham, 650
Lodging Houses, Common, 2R. 294, 298; Com. 553
Malta, Criminal Code of, 1195

Shelley, Sir J. V., *Westminster*
Durham Election Petitions, Com. moved for, 142, 963
Hackney Carriages (Metropolis), Com. 427; Report, 547
Income Tax, The, 255, 256
Rye Election, New Writ moved, Adj. moved, 374, 375

[*cont.*

Shelley, Sir J. V.—*continued*
Supply—Royal Palaces, 388 ;—Public Buildings (Ireland), 402, 405 ;—Salaries of certain Officers (Scotland), 407 ;—Household of the Lord Lieutenant, 408 ;—Africa, Civil Establishments on the West Coast, 448 ;—Falkland Islands, Amend. 449 ;—Hong Kong, 452 ;—Miscellaneous Charges, 467, 470 ;—Nonconforming &c. Ministers (Ireland), 470

Sheriff Courts (Scotland) (No. 2) Bill,
c. 2R. 149 ; Amend. (Mr. Cowan), 159, [*o. q.* A. 58, N. 184, M. 126] 192

Sheriff and Commissary Courts (Berwickshire) Bill,
l. 3R.* 548

Sheriff Expenses, &c.—Supply,
c. 412

Sibthorp, Col. C. D. W., *Lincoln*
Customs, &c. Acts, Com. Res. 372, 373
Elections, Expenses of, 2R. 373
Succession Duties, The, 262

Slave Trade,
l. Petition (Lord Brougham), 488

Slave Trade Commissions—Supply,
c. 455

Slaves, Importation of, into Cuba,
l. Question (Earl of Carlisle), 762

Sligo (Borough) Election,
c. Report, 1207

Small Debts (Scotland) Act Amendment Bill,
l. 1R. 1294

Smith, Rt. Hon. R. V., *Northampton*
Supply — General Superintendence, 416 ; — Colonial Governors, 444 ; — Miscellaneous Charges, 468

Smith, Mr. J. B., *Stockport*
Income Tax, Com. *add. cl.* 815

Smith, Mr. W. M., *Kent, W.*
Dockyards, Disfranchisement of Electors in, 1036

Smollett, Mr. A., *Dumbartonshire*
Income Tax, Com. *cl.* 33, 799 ; That the Bill do pass, *add. cl.* 1226

Sotheron, Mr. T. H. S., *Wiltshire, N.*
Durham Election, Mr. Duncan's Case, 708

Speaker, The (Rt. Hon. C. S. Lefevre), *Hampshire, N.*
Business, Public, 320, 321
Clare Election, New Writ moved, 1298
Durham Election Petitions, Com. moved for, 142
Irish Members and the Government, 227
Rye Election, New Writ moved, 374

Specifications Repeal, Copies of, Bill,
l. 3R.* 293
c. 1R.* 706

Spooner, Mr. R., *Warwickshire, N.*
Customs &c. Acts, Com. (Butter), 1069 ; (Watches), 1358
Income Tax, Com. *cl.* 3, 545, 546 ; *cl.* 25, 756 ; *cl.* 31, Amend. 792, 793 ; *add. cl.* 1057 ; That the Bill do pass, *add. cl.* 1218, 1229
Rye Election, New Writ moved, Adj. moved, 292
Supply—Parliament, New Houses of, 393, 394 ; —Public Buildings (Ireland), Amend. 398, 404 ;—Nonconforming &c. Ministers (Ireland), 481

Stanhope, Mr. J. B., *Lincolnshire, N.*
Income Tax, The, 256

Stanley of Alderley, Lord
Great Western Railway Company, 1360
Foreign Seamen, 195
Hackney Carriages (Metropolis), 2R. 1295
Mercantile Marine, Returns moved for, 316
Poor Laws, 210
Poor Removal, 2R. 1031

Stanley, Hon. W. O., *Chester*
Barnstaple Election, Address moved, 136
Durham Election Petitions, Com. moved for, 143, 144

State Paper Office—Supply,
c. 406

Stationery Office—Supply,
c. 394

Statues in the Metropolis,
c. Question (Mr. B. Wall), 379

Stock, Conversion of—Funds in Chancery,
l. Question (Lord St. Leonards), 761, 835 ; Observations (Lord Chancellor), 1018

Strutt, Rt. Hon. E., *Nottingham*
Bury St. Edmunds Election Committee, Mr. Martin's attendance dispensed with, 708

Stuart, Lord D. C., *Marylebone*
Business, Public, 323
Hackney Carriages (Metropolis), Com. 425 ; *cl.* 1, 485 ; *cl.* 2, Amend. 488 ; 3R. Amend. 834, 835
Medical Profession, The, 1091
Supply—Royal Parks, 398 ;—Secret Service, 412 ;—Ministers at Foreign Courts, 463 ;—Polish Refugees, &c. 466

Succession Duties, The,
c. Com. 258, 325 ; Amend. (Mr. Freshfield), 341 ; Motion. neg., 370
l. Com. moved for (Earl of Shaftesbury), 659, [Content 126, Not-Content 139, M. 13] 704

Succession Duty Bill,
c. 1R. 548 ;
2R. 1380

Superannuation and Retired Allowances —Supply,
c. 465

Superintendence, General—Supply,
c. 414

Supply, c.
- *Academies, Royal Irish,* 421
- *Africa—Civil Establishments on the West Coast,* 445; Amend. (Mr. A. Pellatt), 446; Amend. neg. 449
- *Bermudas,* 442
- *Board of Public Works (Ireland),* 410
- *British Museum,* 422
- *Captured Negroes Support,* 455
- *Chief Secretary (Ireland),* 410
- *Clergy in North America,* 442
- *Colonial Governors,* 444
- *Concordatum Fund, &c. (Ireland),* 485
- *Consular Establishments Abroad,* Amend. (Capt. Scobell), 455, [A. 46, N. 70, M. 24] 459
- *Convict Establishment,* 417
- *County Rates, Certain Charges formerly paid out of the,* 414
- *Criminal Prosecutions, &c. (Ireland),* 413
- *Criminal Prosecutions, &c. (Scotland),* 413
- *Dublin Police,* 414
- *Ecclesiastical Commissioners for England,* 406, [A. 63, N. 44, M. 19] 407
- *Education, Public,* 417
- *Emigration,* 454
- *Exchequer,* 406
- *Factories, Inspectors of,* 407
- *Falkland Islands,* 449; Amend. (Sir J. Shelley), 450, [A. 33, N. 86, M. 53] 451
- *General Superintendence,* 414
- *Government Prisons,* 415
- *Harbours of Refuge,* 396
- *Heligoland,* 449
- *Holyhead Harbour,* 395
- *Hong Kong,* 451; Amend. (Mr. Maguire), 453, [A. 32, N. 76, M. 44] 454
- *Hospitals (Ireland),* 469
- *Household of the Lord Lieutenant,* 408; Amend. (Mr. W. Williams), 409, [A. 31, N. 92, M. 61] 410
- *Indian Department (Canada),* 442
- *Insolvent Debtors Courts,* 412
- *Justice in the West India Colonies, &c.* 445
- *Kingstown Harbour,* 406
- *Labuan,* 454
- *Law Charges (England),* 412
- *Lord Privy Seal,* 406
- *Ministers at Foreign Courts,* 459
- *Mint, The,* 407
- *Miscellaneous Charges,* 467
- *National Gallery,* 422
- *New Zealand,* 449
- *Nonconforming, &c. Ministers (Ireland),* 470, [A. 181, N. 46, M. 135] 485
- *Office of Woods, Forests, &c.,* 406
- *Office of Works and Public Buildings,* 406
- *Oxford and Cambridge Professors,* 417
- *Parliament, New Houses of,* 393, 406
- *Paymaster General,* 406
- *Paymaster of Civil Services Offices (Ireland),* 410
- *Polish Refugees, &c.* 465
- *Poor Law Commission,* 407
- *Port Patrick Harbour,* 397
- *Prisoners' Maintenance of,* 417

[*cont.*

Supply—continued.
- *Privy Council Office,* 406
- *Public Buildings in Ireland,* 398; Amend. (Mr. Spooner), 399; Amend. (Mr. W. Williams), 403, [A. 43, N. 80, M. 37] 404; [A. 74, N. 54, M. 20] 405
- *Public Records,* 407
- *Queen's University (Ireland),* 422
- *Refuge for the Destitute,* 465
- *Royal Dublin Society,* 417
- *Royal Palaces and Public Buildings,* 388
- *Royal Parks, Pleasure Grounds, &c.* 389
- *St. Helena,* 449
- *Salaries of certain Officers in Scotland,* 407; Amend. (Mr. Pellatt), *ib.*; Motion neg., 408
- *Science and Art, Departments of,* 417, 422
- *Secret Service,* 412
- *Secretaries of State,* 406
- *Sheriffs' Expenses, &c.* 412
- *Slave Trade Commission,* 455
- *State Paper Office,* 406
- *Stationery and Printing,* 412
- *Stationery Office,* 394
- *Superannuation and Retired Allowances,* 465
- *Theological Professors (Belfast),* 421; Amend. (Mr. Miall), [A. 21, N. 130, M. 109] 422
- *Toulonese, &c. Emigrants,* 465
- *Transportation, Expenses of,* 417
- *Treasury,* 406
- *University of London,* 421
- *Vaccine Establishment, National,* 465
- *Western Australia,* 449

Taxing Officer, Common Law Business (Ireland) Bill,
c. Com. Amend. (Mr. I. Butt), 1396; Amend. neg., 1397; Amend. (Mr. V. Scully), 1397; Amend. withdrawn, 1400

Tea Duties—Customs Acts,
c. Com. 825; Adj. moved (Lord A. Vane), 832; Motion withdrawn, 834

THESIGER, Sir F., *Stamford*
Plymouth Election, New Writ moved, 647

THORNELY, Mr. T., *Wolverhampton*
- Bury St. Edmunds Election Committee, Mr. Martin's Case, 708
- Hackney Carriages (Metropolis), Com. *cl.* 1, 487
- Supply—Holyhead Harbour, 395;—Harbours of Refuge, 396

TOLLEMACHE, Mr. J., *Cheshire, S.*
Customs, &c. Acts, Com. (Butter), 1068, 1071

Toulonese, &c., Emigrants—Supply,
c. 465

Transportation,
l. Address moved (Earl Grey), 1; Amend. (Earl of Chichester), 45, [*o. q.* Content, 37, Not Content, 54, M. 17] 78; Question (Earl of Glengall), 315

Transportation, Expenses of—Supply,
c. 417

Treasury—Supply,
c. 406

Trollope, Rt. Hon. Sir J., *Lincolnshire, S.*
Berwick-upon-Tweed Election, New Writ moved, 641, 649
Customs, &c. Acts, Com. (Stockings), 1357
Durham Election Petitions, Com. moved for, 139, 142, 707, 956, 957
Income Tax, Com. *cl.* 33, 796

Tufnell, Rt. Hon. H., *Devonport*
Rye Election, New Writ moved, 292, 376

Turkey and Russia,
l. Question (Earl of Malmesbury), 651; (Earl of Hardwicke), 758
c. Question (Rt. Hon. B. Disraeli), 709, 787

Tynemouth Election Committee,
l. Conference, 1

Tyrell, Sir J. T., *Essex, N.*
Nunneries, Inspection of, Leave, 132

University of London—Supply,
c. 421

Urquhart, Mr. W. P., *Westmeath*
Ecclesiastical Revenues (Ireland), Com. moved for, 890

Vaccine Establishment, National—Supply.
c. 465

Vance, Mr. J., *Dublin, City*
Income Tax, Com. *cl* 1, 542
Supply—Foundling Hospital (Dublin), 469

Vane, Lord A. F. C., *Durham, City*
Customs, &c. Acts, Com. (Tea Duties), 832, 833
Hackney Carriages (Metropolis), Report, 547; 3R. 835
Rye Election, New Writ moved, Adj. moved, 376, 377

Vansittart, Mr. G. H., *Berkshire*
Customs, &c. Acts, Com. (Apples), Amend. 1068
Income Tax, The, Amend. 235

Ventilation of the House,
c. Question (Mr. Cowan), 323

Verner, Sir W., *Armagh, Co.*
Customs, &c. Acts, Com. (Butter), 1070
Supply—Public Buildings (Ireland), 401

Wages, Arrestment of (Scotland),
l. Petition (Lord Brougham), 1282;—see *Small Debts (Scotland) Act Amendment Bill*

Wall, Mr. C. B., *Salisbury*
Statues in the Metropolis, 379

Walmsley, Sir J., *Leicester*
Income Tax, Com. *add cl.* 813
Supply—Public Buildings (Ireland), 402;—Clergy in North America, 442;—Falkland Islands, 450

Walpole, Rt. Hon, S. H., *Midhurst*
Bury St. Edmunds Election, Report, 1207
Durham Election Petitions, Com. moved for, 141, 142
Income Tax, Com. *cl.* 3; Amend. 545
Succession Duty, 2R. 1386

Warner, Mr. E., *Norwich*
Clare Election, New Writ moved, 1298

West India Colonies, &c., Justice in the—Supply,
c. 445

Westmeath, Marquess of
Justice, Administration of (Ireland)—Appointment of Mr. Keogh, Address moved, 1362, 1369, 1374, 1379

Whalley, Mr. G. H., *Peterborough*
Hackney Carriages (Metropolis), 3R. *cl.* 2, 1018
Income Tax, The, 250

Wharncliffe, Lord
Cuba, Importation of Slaves into, 776
India, Government of, 313
Slave Trade, 492

Whiteside, Mr. J., *Enniskillen*
Common Law, Courts of (Ireland), Com. *cl.* 1, 1284; *cl.* 10, 1285, 1287; *cl.* 32, 1288; *cl.* 38, 1289, 1292; *cl.* 63, Amend. 1293
Ecclesiastical Revenues (Ireland), Com. moved for, 920
Nunneries, Inspection of, Leave, 123
Taxing Officer, Common Law Business (Ireland), Com. 1399

Whitmore, Mr. H., *Bridgenorth*
Durham Election Petitions, Com. moved for, 143

Wicklow, Earl of
Chimney Sweepers Regulation, 2R. Amend. 198; Report, 499, 502
Oaths, Alteration of, 2R. 860; Com. 1023

Wigram, Mr. L. T., *Cambridge University*
Church Rates, Leave, 624

Wilkinson, Mr. W. A., *Lambeth*
Income Tax, Com. 513; That the Bill do pass, *add. cl.* 1228

Williams, Mr. W., *Lambeth*
Barnstaple Election, Address moved, 137
Hackney Carriages (Metropolis), 3R. 834
Succession Duties, The, 344
Supply—Royal Parks, 390, 392;—New Houses of Parliament, 393, 394;—Stationery Office, 394;—Holyhead Harbour, 396;—Harbours of Refuge, 396;—Portpatrick Harbour, 397;—Public Buildings (Ireland), 399; Amend. 403;—Ecclesiastical Commissioners for England, 406;—Salaries of certain Officers

[*cont.*

Williams, Mr.—*continued.*
(Scotland), 407; Household of the Lord Lieutenant, Amend. 409, 410;—Secret Service, 412;—Insolvent Debtors Courts, 412, 413;—Police of Dublin, 414;—Oxford and Cambridge Professors, 417, 420;—Clergy in North America, 442;—Indian Department (Canada), 442;—Colonial Governors, 445;—Justice in the West India Colonies, &c., 445; —Africa, Civil Establishments on the West Coast, 445, 446;—Falkland Islands, 450;—Hong Kong, 451, 452;—Consular Establishments, 456;—Ministers at Foreign Courts, 459;—Foundling Hospital (Dublin), 469

Wilson, Mr. J., *Westbury*
- Business, Public, 323
- Coffee and Chicory, Sale of, 324
- Customs, &c. Acts, Com. (Oranges and Lemons), 1352
- Excise Prosecutions, Return moved for, 135
- Income Tax, That the Bill do pass, *add. cl.* 1229
- Supply—New Houses of Parliament, 394;—Stationery Office, 394;—Holyhead Harbour, 395;—Insolvent Debtors Courts, 413

Wise, Mr. J. A., *Stafford*
- Supply—Salaries of certain Officers (Scotland), 407;—Household of the Lord Lieutenant, 410;—Secret Service, 412;—Ministers at Foreign Courts, 462

Wood, Rt. Hon. Sir C., *Halifax*
- Durham Election Petitions, Com. moved for, 140, 141
- India, Government of, 388; Leave, 1092, 1155, 1301, 1337
- India—Growth of Opium, 955
- Indian Despatches, 1299
- Indian Judges, 955, 956
- Irish Members and the Government, 224
- Pegu, Annexation of, 433, 435, 436

Woods, Forests, &c., Office of—Supply, c. 406

Works and Public Buildings—Supply, c. 406

Wortley, Rt. Hon. J. A. S., *Buteshire*
- Berwick-upon-Tweed Election, Com. moved for, 649
- Sheriff Courts (Scotland), (No. 2), 2R. 187

Young, Rt. Hon. Sir J., *Cavan, Co.*
- Criminal Prosecutions (Ireland), Expense of, 441
- Ecclesiastical Revenues (Ireland), Com. moved for, 881, 916
- Excise Duties on Spirits, Com. *cl.* 1, 1392
- Income Tax, Com. *cl.* 16, 1056; That the Bill do pass; *add. cl.* 1228
- Supply—Criminal Prosecutions (Ireland), 414; —Nonconforming, &c. Ministers (Ireland), 474
- Taxing Officer, Common Law Business (Ireland), Com. 1397, 1399

END OF VOL. CXXVII. AND FIFTH OF SESSION 1852–3.

BIBL. LONDIN. UNIV.

Woodfall and Kinder, Printers, Angel Court, Skinner Street, London.

UL 11 OCT 1965